

Also, petition of the same body, prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of J. M. Sheman and other citizens of St. Charles County, Mo., praying for the enactment of an antioption law—to the Committee on Agriculture.

By Mr. O'DONNELL: Petition of the Liberty Farmers' Club, of Michigan, favoring the antioption bill—to the Committee on Agriculture.

By Mr. O'NEILL of Pennsylvania: Preamble and resolution of the Commercial Exchange of Philadelphia, remonstrating against the passage of the free-silver bill—to the Committee on Coinage, Weights, and Measures.

By Mr. PEARSON: Memorial signed by 625 citizens of Ohio, setting forth the evils of indiscriminate immigration, and praying for the passage of such laws as will restrict immigration under certain conditions, and praying for the submission to the people of an amendment to the Constitution of the United States for a vote thereon, as follows: "No State shall grant the right of suffrage to any person not a citizen of the United States"—to the Select Committee on Immigration and Naturalization.

By Mr. PENDLETON: Petitions of Kanawha Grange, of West Virginia, favoring a pure-food law, to encourage silk culture, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same body, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, five petitions of citizens of Marshall County, W. Va., for the passage of House bill 401—to the Select Committee on Immigration and Naturalization.

By Mr. POST: Petition of Speedwell and Princeville Granges, Illinois, encouraging silk culture, to prevent the adulteration of pure food, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same bodies, in favor of pure-lard law—to the Committee on Ways and Means.

Also, petition of the same bodies, extending free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same bodies, prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

By Mr. REED: Petition of President William De Witt Hyde and other citizens of Brunswick, Me., in favor of Senate bill 234—to the Committee on the Post-Office and Post-Roads.

By Mr. SANFORD: Memorial and petition from a number of prominent citizens of Saratoga Springs, N. Y., prohibiting the establishment of religion by States—to the Committee on the Revision of the Laws.

By Mr. SCOTT: Petition of bricklayers of Decatur, Ill.—to the Committee on Labor.

By Mr. SCULL: Petition of North Fork Grange, Pennsylvania, encouraging silk culture and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of same body, prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same body, favoring the passage of pure-lard law—to the Committee on Ways and Means.

Also, petition of the same body, extending free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Illinois: Petition to House of Representatives from Swanwick, Ill., asking that the World's Fair at Chicago in 1893 be closed on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. SNODGRASS: Petition of estate of A. P. and P. H. Watkins, deceased, late of Hamilton County, Tenn., for reference of its case to Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

By Mr. TERRY (by request): Petition of Sarah J. Heron, praying that her claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. TOWNSEND: Resolutions of the Wide Awake Free-Coinage Club, of Lawson, Clear Creek, Colo., in favor of the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Cheyenne, Colo., in favor of a law to prevent the immigration or importation of Chinese to the United States—to the Select Committee on Immigration and Naturalization.

Also, petitions of Altona Grange, of Colorado, favoring pure-

food law, to encourage silk culture, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, a petition of the same body, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, a petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, a petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, resolutions of the Wide Awake Free Coinage Club, of Lawson, Clear Creek County, Colo., in favor of the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. WHEELER of Alabama: Petition of Alexander Hall, of Madison County, Ala.—to the Committee on War Claims.

By Mr. WIKK: Petitions of Walnut Grove Grange, of Illinois, favoring a pure-food law and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same body, for the free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. WOLVERTON: Petitions of Augusta, Montour, Bloomsburg, Hope, and Hemlock Granges, of Pennsylvania, favoring a pure-food law, to encourage silk culture, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petitions of the same bodies, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petitions of the same bodies, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petitions of the Augusta, Montour, and Hope Granges, favoring a pure-food law—to the Committee on Agriculture.

By Mr. WRIGHT: Petitions of Keystone and Starrucca Granges, of Pennsylvania, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same bodies, in favor of the pure-lard bill—to the Committee on Ways and Means.

Also, petitions of the same bodies to encourage silk culture, and of the Keystone Grange to prevent gambling in farm products, and Starrucca Grange, favoring the pure-food law—to the Committee on Agriculture.

Also, petition of Grange 42, Patrons of Husbandry, of Pennsylvania, in favor of free coinage of silver—to the Committee on Coinage, Weights, and Measures.

## SENATE.

MONDAY, *March 14, 1892.*

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

The Journal of the proceedings of Friday last was read and approved.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Woman's Industrial Christian Home Association of Utah Territory, remonstrating against the action proposed by the General Assembly of Utah for the transfer of their building for common-school purposes; which was referred to the Committee on Public Lands.

He also presented a petition of the governor and Legislative Assembly of the Territory of Utah, relative to school section 36, township 23, of Utah, praying for the passage of a bill authorizing the entry of that section under the town-site act; which was referred to the Committee on Territories.

He also presented a memorial of the Baltimore (Md.) Conference of the Methodist Episcopal Church, remonstrating against the enactment of further oppressive legislation against the Chinese people, as tending to cripple missionary work in that country through retaliatory measures; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Indiana, praying for the passage of a bill regulating speculation in fictitious farm products; which was referred to the Committee on the Judiciary.

Mr. MITCHELL presented the petition of Ellen Huggins, of Newbern, N. C., praying to be allowed compensation for property destroyed and taken by the United States Army; which was referred to the Committee on Claims.

He also presented the following petitions of Goshen Grange, Patrons of Husbandry, of Oregon:

Petition praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petition praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.  
Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. MANDERSON presented a memorial of the Woman's Industrial Christian Home Association of Utah Territory, remonstrating against the proposition of the Legislative Assembly of that Territory to turn their property over to the city of Salt Lake for school purposes; which was referred to the Committee on Territories.

Mr. SHERMAN presented a petition of 42 citizens of Galloway, Ohio, praying for the adoption of an amendment to the Constitution prohibiting any State from passing laws favoring any religion; which was referred to the Committee on the Judiciary.

He also presented memorials of 11 Presbyterian churches of Toledo, Ohio, and a memorial of Our Young People of Morning Sun, Ohio, remonstrating against the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of Freedom Council, No. 63, Junior Order United American Mechanics, of Ohio, praying for the adoption of an amendment to the naturalization laws of the United States as recommended by the Judiciary Committee of the House of Representatives; which was referred to the Committee on the Judiciary.

He also presented a petition of 30 citizens of Miami County, Ohio, praying for the passage of what is commonly known as the Butterworth anti-option bill; which was referred to the Committee on the Judiciary.

He also presented the following petitions of Margarette, Newark, Buck Creek, Gorham, Osborn's Corners, Weller, Sugar Creek, Concord, London, Sullivan, Trenton, Plains, Montville, Ridge, Green Valley, Cold Spring Run, Liberty Hill, Sylvania, Grove, Tallmadge, Salt Rock, Aetna, Jackson, New Jasper, Beech Grove, Stillfork, Bethel, Clay, Lafayette, and Locust Point Granges, Patrons of Husbandry, of Ohio:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. McMILLAN presented a petition of the faculty of the Western Theological Seminary of Michigan, of the Reformed (Dutch) Church of America and Holland, praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of J. A. Robinson and 14 other farmers of Calhoun County, Mich., praying for the passage of the Washburn bill to prevent dealing in options on farm products; which was referred to the Committee on the Judiciary.

He also presented a petition of the Detroit (Mich.) Association of Charities, praying for the passage of legislation to carry out the recommendations of the President in relation to safety appliances for cars; which was referred to the Committee on Interstate Commerce.

He also presented the following petitions: of Morenci, Grand Traverse, Silca, Windsor, Coldwater, Ypsilanti, and Plymouth Granges, Patrons of Husbandry, of Michigan.

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal-tender in payment of all debts—to the Committee on Finance.

Mr. HOAR presented a petition of vessel-owners of Boston, Mass., praying for the transfer of the Revenue Cutter Service to the naval establishment; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Central Baptist Church of Middleboro, Mass., praying for a loan to the World's Columbian Exposition on condition that the Exposition be closed on Sunday; and further praying that no bill be passed by Congress to license liquor-dealing in Alaska; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of N. S. Burten and 8 other citizens of Needham, Mass., and the petition of Rev. H. C. Hitchcock and sundry other citizens of Massachusetts, praying for a loan to the World's Columbian Exposition on condition that it be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Mrs. L. A. Menken and 16 other citizens of New York City, and the petition of Miss Emily A. Ward and 23 other citizens of New York City, praying for the enactment of legislation prohibiting the manufacture and sale of garments dangerous to health; which were referred to the Committee on Education and Labor.

He also presented the petition of Rev. Edward U. Hardy, representing the Boston (Mass.) Ministers' Meeting, praying for increased appropriations for the education of Indians; which was referred to the Committee on Indian Affairs.

He also presented the petition of J. J. Warren and other citizens of Worcester, Mass., and the petition of A. B. Blashfield and 100 other citizens of New York, praying that the Secretary of War be authorized to contract with Charles Stoughton for the completion of the Harlem River improvement, and for the construction of the Harlem Kills Canal; which were referred to the Committee on Commerce.

He also presented a petition of the American Bar Association, praying for a provision, at the earliest possible moment, for courts and a system of law in and for the Indian reservations; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Whately, Mass.; a petition of citizens of Charlemont, Mass.; a petition of citizens of Methuen, Mass.; a petition of citizens of Ashland, Mass.; a petition of citizens of East Bridgewater, Mass.; a petition of citizens of Ipswich, Mass., and a petition of citizens of Paxton Mass., praying for the free delivery of mails in rural districts; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Southern Lumber Manufacturers' Association of St. Louis, Mo., praying for harbor improvements on the Gulf of Mexico; which was referred to the Committee on Commerce.

He also presented the petition of William A. Mowry and 3 other citizens of Salem, Mass.; the petition of Anthony F. Whitin and 7 other citizens of Whitinsville, Mass.; the petition of George S. Hale and 3 other citizens of Boston, Mass.; the petition of C. J. Holmes and 10 other citizens of Fall River, Mass.; the petition of Rev. J. G. Gammons and 18 other citizens of Fall River, Mass.; the petition of Melville M. Bigelow and 40 other citizens of Mass.; the petition of E. Whittlesey, of Washington, D. C.; and the petition of Charles C. Painter of Great Barrington, Mass., praying for the adoption of an amendment to the Constitution of the United States forbidding the States to pass laws respecting the establishment of religion; which were referred to the Committee on the Judiciary.

He also presented the following petitions of West Bridgewater, Groton, Worcester, Topsfield, Littleton, Shrewsbury, Dudley, Warren, Millbury, Wellesley, and Somerset Granges, Patrons of Husbandry, of Massachusetts:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. SAWYER presented a petition of Rock County, Pomona Grange, Patrons of Husbandry, of Wisconsin, praying for the passage of a bill to prevent gambling in farm products; which was referred to the Committee on the Judiciary.

He also presented a petition of Rock County, Pomona Grange, Patrons of Husbandry, of Wisconsin, praying for the passage of a bill to prevent the adulteration of food and drugs; which was ordered to lie on the table.

He also presented a petition of citizens of La Crosse, Wis., and a petition of citizens of Plattville, Wis., praying for the passage

of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or an appropriation of money for any sectarian purpose; which were referred to the Committee on the Judiciary.

He also presented a petition of citizens of Fond Du Lac, Wis., praying that the present duty upon barley be maintained; which was referred to the Committee on Finance.

He also presented a petition of a farmers' meeting held in Rock County, Wis., praying for the free delivery of mails in rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Milwaukee (Wis.) Chamber of Commerce, praying for an amendment to the interstate-commerce law providing for a uniform bill of lading for interstate commerce; which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER. I present the petition of W. E. Burnett and 553 other citizens of New Hampshire, all voters but two, praying for an amendment to the Constitution of the United States. The petitioners propose an amendment, as follows:

No State shall pass any law respecting an establishment of religion or prohibiting the free exercise thereof, or use its property or credit, or any money raised by taxation, or authorize either to be used, for the purpose of founding, maintaining, or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination, or religious society, or any institution, society, or undertaking which is wholly, or in part, under sectarian or ecclesiastical control.

The petitioners state that they believe the principles embodied in this amendment are essential to the security and perpetuity of our American institutions, and ought speedily to become a part of the organic law of the land. They also state that they believe an intelligent and unselfish patriotism, without regard to difference in religion or political faiths, demands this constitutional prohibition.

I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. GALLINGER presented the following petitions of Prospect, Miller, Kearsage, Silver Lake, and Rochester Granges, Patrons of Husbandry, of New Hampshire.

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money legal tender in payment of all debts—to the Committee on Finance.

Mr. WILSON presented a petition of 279 citizens of Iowa, praying for the passage of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Presbyterian Church, of Muscatine, Iowa, praying that the World's Columbian Fair be closed on Sunday, that the sale of intoxicating liquors on the grounds be prohibited, and that the art department be conducted in accordance with the American standard of purity in art; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. SANDERS. I present two petitions, one from Lodi Grange, No. 92, Patrons of Husbandry, State unnamed and unknown, and one from John H. Wallace and 100 other citizens of the State of Washington, praying for the relief of settlers upon the odd-numbered sections of the public domain that were heretofore granted to the Northern Pacific Railroad Company, and have since been forfeited. I move that the petitions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. DAVIS presented a petition of the Chamber of Commerce of Minneapolis, Minn., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CHANDLER presented the following petitions of Londonderry, Prospect, Candia, Tuftonboro, and Crown Point Granges, Patrons of Husbandry, of New Hampshire:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. PLATT. I present a memorial of the Choctaw Nation, relative to the President's message, dated February 17, 1892, and referring to the title of the Choctaw Nation in the Arapahoe country. I ask that the memorial be printed as a document. The memorials from the other tribes have been presented and printed as documents, and this is the Choctaw contention, which I ask may also be printed and referred to the Committee on Indian Affairs.

The VICE-PRESIDENT. It will be so ordered in the absence of objection.

Mr. PLATT presented a petition of Hobbie Post, No. 23, Grand Army of the Republic, of Connecticut, praying for further legislation to provide for the marking of battle lines at Gettysburg, Pa.; which was referred to the Committee on Military Affairs.

Mr. PADDOCK presented the petition of George H. Mowry and 22 other citizens of Ashland County, Ohio; the petition of H. T. Hermansen and 13 other citizens of Howard County, Nebr.; the petition of Niels Nielson and 44 other citizens of Howard County, Nebr., and the petition of F. A. Jackson and 7 other citizens of Hayes County, Nebr., praying for the passage of what are known as the Washburn-Hatch anti-option bills, regulating speculation in fictitious farm products; which were referred to the Committee on the Judiciary.

He also presented a petition of Walter M. Seeley, secretary of the Republican State committee of Nebraska, praying for the enactment of a law for the reclassification of the Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. H. Grant and 8 other citizens of Hayes County, Nebr., praying for the enactment of legislation for the free delivery and collection of mails for country districts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. L. Porter and 8 other citizens of Hayes County, Nebr., praying for the passage of the so-called Conger lard bill; which was ordered to lie on the table.

He also presented the petition of W. L. Porter and 7 other citizens of Hayes County, Nebr., praying for the passage of the so-called Butterworth anti-option bill; which was referred to the Committee on the Judiciary.

He also presented a petition of 40 members of the Sidney (Nebr.) Garrison, No. 33, of the Regular Army and Navy Union of America, praying for the passage of the twenty-five-year retirement bill for enlisted men of the Army and Navy and Marine Corps; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Woman's Christian Home Association of Utah Territory, officially signed, remonstrating against the petition of the present Legislative Assembly of that Territory, praying Congress to turn over the Industrial Home Building for the use of the common-school system of Salt Lake City; which was referred to the Committee on Territories.

Mr. PETTIGREW presented the memorial of F. L. Stone and 25 other citizens of Clark County, S. Dak.; the memorial of G. H. Carner and 42 other citizens of Spink County, S. Dak.; the memorial of D. W. Dorchester and 93 other citizens of Kingsbury County, S. Dak.; the memorial of F. A. Cornell and 23 other citizens of Davison County, S. Dak.; the memorial of Evan T. Grof and 87 other citizens of Potter County, S. Dak.; the memorial of H. S. Murphy and 68 other citizens of Brookings County, S. Dak.; the memorial of A. M. Lawrence and 47 other citizens of Faulk County, S. Dak.; the memorial of J. E. Smith and 38 other citizens of Lake County, S. Dak.; and the memorial of C. K. Heff and 121 other citizens of Brown County, S. Dak., remonstrating against any change in the duty on barley; which were referred to the Committee on Finance.

He also presented the petition of Thomas Fountain and 40 other citizens of Moody County, S. Dak., and the petition of O. C. Vanderpool and 50 other citizens of Campbell County, S. Dak., praying for the passage of legislation to prevent dealing in options on farm products; which were referred to the Committee on the Judiciary.

Mr. WARREN presented the petition of Charles Belamy and 86 other citizens of Albany County, Wyo., and the petition of C. D. Cazier and 132 other citizens of Uinta County, Wyo., praying

for the ceding of certain public lands to the States for purposes of irrigation and reclamation; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a memorial of the Southern Lumber Manufacturers' Association, of St. Louis, Mo., remonstrating against placing lumber on the free list, and praying for the improvement of Gulf coast harbors; which was referred to the Committee on Finance.

Mr. DAWES presented the petition of Benjamin C. Warren and other citizens, of Sheffield, Mass., praying for the passage of an amendment to the Constitution of the United States prohibiting legislation by the States respecting an establishment of religion or an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of citizens of La Salle, Ill., praying for the passage of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented a petition of the Chicago (Ill.) Freight Bureau, praying for an amendment to the interstate-commerce law rendering corporations liable to indictment, that the report and findings of the Interstate Commerce Commission shall have the force and weight of a report of a master in chancery in Federal courts, and that the Commission be empowered to employ competent and permanent counsel to assist in the enforcement of the act; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of citizens of Illinois, remonstrating against the passage of what are known as the Washburn-Hatch anti-option bills; which was referred to the Committee on the Judiciary.

He also presented a memorial of citizens of Portland, Oregon, remonstrating against the passage of the bill providing for the legalization of saloon-keeping in Alaska; which was referred to the Committee on Territories.

He also presented a petition of citizens of Swanwick, Ill., praying for the closing of the World's Columbian Fair on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Villa Ridge Grange, Patrons of Husbandry, of Illinois:

Petition praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petition praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. McPHERSON presented the following petitions of Caldwell, Livingston, Hopewell, and Sergeantsville Granges, Patrons of Husbandry, of New Jersey:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. BUTLER presented a petition of the city council of Charleston, S. C., praying for the completion of the improvements of the channel at Savannah, Ga.; which was referred to the Committee on Commerce.

He also presented a letter of Smythe & Lee, attorneys, of Charleston, S. C., transmitting a memorial of the Charleston Chamber of Commerce, remonstrating against the passage of the bill abolishing compulsory pilotage; which, with the accompanying memorial, were referred to the Committee on Commerce.

Mr. COLQUITT presented a petition of citizens of Bainbridge, Ga., praying for the passage of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented the petition of Z. M. Patterson, and 28 other citizens of Sunny Side, Ga., praying for the passage of what are known as the Washburn-Hatch anti-option bills; which was referred to the Committee on the Judiciary.

Mr. COKE presented a petition of citizens of Robertson County, Tex., praying for the passage of the Washburn-Hatch anti-option bills; which was referred to the Committee on the Judiciary.

Mr. FAULKNER presented the following petitions of Kanawha Grange, Patrons of Husbandry, of West Virginia:

Petition praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petition praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. BLODGETT presented the petition of Maria Jane Vaughn, guardian of James Rouan Herbert, whose father was William Herbert, late of the Fourth Regiment, New Jersey Infantry, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of R. Edward Mount and 21 other citizens of Dennisville, N. J., praying that the World's Columbian Fair be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. KYLE presented a petition of citizens of De Grey, S. Dak., praying for the passage of what are known as the Butterworth-Washburn-Hatch anti-option bills; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of De Grey, S. Dak., praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. PALMER presented the following petitions of Center Prairie and Trivoli Granges, Patrons of Husbandry, of Illinois:

Petition praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. VILAS presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the passage of a uniform bill of lading; which was referred to the Committee on Commerce.

Mr. PERKINS presented a petition of the Western Miami tribal Indians residing in the Indian Territory, praying to be granted an interest of 4 per cent per annum upon their share of the principal provided for by act of March 3, 1891, directing the payment of certain sums of money to said Indians for their lands; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Young People's Society of Christian Endeavor of Beloit, Kans., praying for the passage of legislation prohibiting the exportation of alcoholic liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of William K. Tubman, praying for the passage of certain legislation relative to the infringement of his letters patent for a railway car; which was referred to the Committee on Patents.

Mr. HALE. I present a memorial of the Commission of Sea and Shore Fisheries of the State of Maine, remonstrating against the passage of House bill 5030, providing for the use of purse seines in the menhaden and mackerel fisheries contrary to State laws. I move that the memorial be printed as a document and referred to the Committee on Fisheries.

The motion was agreed to.

Mr. HALE presented a memorial of the Woman's Industrial Christian Home Association of Utah Territory, remonstrating against any interference with the work of the association or its buildings in Salt Lake City; which was referred to the Committee on Territories.

He also presented the memorial of Charles R. Hale and other

citizens of Davenport, Iowa, remonstrating against the passage of Senate bill 362 providing for the removal of the Southern Ute Indians from their present reservation in Colorado; which was referred to the Committee on Indian Affairs.

He also presented the following petitions of Valley, Naples, Rural, Pembroke, Cushnoc, and Mount Etna Granges, Patrons of Husbandry, of Maine:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. JONES of Arkansas presented a petition of citizens of Woodruff County, Ark., praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

Mr. TURPIE presented a petition of the Indiana Millers' Association, praying for the passage of legislation to prevent foreign discrimination against American flour in favor of the raw material; which was referred to the Committee on Finance.

Mr. COCKRELL presented a petition of the Ohio Millers' Association, praying for the passage of a bill to prevent dealing in "options" and "futures;" which was referred to the Committee on the Judiciary.

He also presented a memorial of Carnes Post, No. 374, Grand Army of the Republic, of Dunlap, Mo., remonstrating against the passage of any bill providing for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a petition signed by 22 farmers, citizens of Fredricktown, Mo., praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

Mr. DANIEL presented the following petitions of Pungoteague and Friendly Grove Granges, Patrons of Husbandry, of Virginia:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. DOLPH. I call the attention of the chairman of the Committee on Appropriations [Mr. ALLISON] to a report that I am about to make.

The Secretary of the Interior has transmitted to the Committee on Public Lands some voluminous reports and correspondence concerning the establishment of a permanent Government post on Rainy Lake River, Minnesota, for the purpose of preventing the unlawful cutting of timber from the public lands in Northern Minnesota and the shipment of the same to the numerous sawmills located in Canada. He transmits a copy of a letter, dated the 15th instant, from the Commissioner of the General Land Office, together with his letter of instructions to the Commissioner and also a report of Special Agent De Lambert, and he desires an appropriation of \$11,000 to establish the post.

The Committee on Public Lands has under consideration a proposition for some uniform provision in regard to the preservation of the timber upon the public lands, but whether we shall be able to come to a conclusion and report any adequate measure at the present session I am not advised. All that the committee could do in this matter would be to report an amendment to some appropriation bill. It appeared to the committee that the matter for consideration being the request of the head of a Department it is a subject for the Committee on Appropriations rather than the Committee on Public Lands. I will state, however, that the Committee on Public Lands would be very much disposed, as far as its recommendation goes, to recommend anything that is asked by the head of the Department for the protection of the public timber.

Mr. ALLISON. The papers seem to be somewhat voluminous. I hope the Senator will have them printed for the consideration of the Committee on Appropriations.

Mr. DOLPH. Yes, let the papers be printed as a document. The VICE-PRESIDENT. If there be no objection the Committee on Public Lands will be discharged from the further consideration of the papers, and they will be referred to the Committee on Appropriations and printed as a document. It is so ordered.

Mr. WILSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3927) to amend "An act to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President," approved January 19, 1886, reported it without amendment.

#### COURTS AT CUMBERLAND, MD.

Mr. VEST. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 5755) to provide for terms of the United States circuit and district courts at Cumberland, Md., to report it back favorably without amendment, and, at the request of the Senator from Maryland [Mr. GORMAN], who is detained from the Senate this morning, I ask for its immediate consideration. It is a mere formal matter, establishing new terms of the United States courts, and as one of the courts is to be held in May it is important that the bill should be passed now if at all.

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

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

#### WORLD'S COLUMBIAN EXPOSITION.

Mr. PETTIGREW. I am directed by the Committee on the Quadro-Centennial (Select), to whom was referred the joint resolution (S. R. 44) authorizing the Librarian of Congress to exhibit certain documents at the World's Columbian Exposition, to report it without amendment, and I ask unanimous consent that the Senate immediately consider the same.

The VICE-PRESIDENT. The joint resolution will be read for information.

The Chief Clerk read the joint resolution, as follows:

*Resolved, etc.* That the Librarian of Congress be, and he hereby is, authorized to exhibit at the World's Columbian Exposition such books, papers, documents, and other articles from the library of Congress as may relate to Christopher Columbus and the discovery and early history of America.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

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

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

Mr. PETTIGREW. I am also instructed by the Committee on the Quadro-Centennial (Select), to whom was referred the joint resolution (S. R. 42) extending an invitation to the King and Queen of Spain and the descendants of Columbus to participate in the World's Columbian Exposition, to report it favorably with amendments, and I ask unanimous consent for its immediate consideration.

The VICE-PRESIDENT. The joint resolution will be read for information.

The Chief Clerk read the joint resolution, as follows:

*Resolved, etc.* That the President of the United States be, and he hereby is, authorized and requested to extend to His Majesty Alfonso XIII, to Her Majesty the Queen Regent of Spain, and to the living descendants of Christopher Columbus an invitation to attend the opening ceremonies of the World's Columbian Exposition as the guests of the Government and people of the United States; that under his direction the Secretary of State shall make suitable arrangements for their reception and entertainment, and that a sufficient sum to pay the expenses thereof is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of State according to the provisions of section 291 of the Revised Statutes.

Mr. COCKRELL. Let that go over.

Mr. SHERMAN. There is an amendment.

The VICE-PRESIDENT. The amendment will be stated if there be no objection.

Mr. COCKRELL. I object to the present consideration of the joint resolution, as it has just been reported.

Mr. SHERMAN. I think if the Senator will let the amendment be read there will be no objection to its passage.

Mr. COCKRELL. If we are going to invite the whole Kingdom of Spain, let us make provision for it. That is the way the joint resolution reads, and I thought I should like to look at it before we invited all Spain over here and prepared to entertain them and take care of them during the time they were here.

Mr. SHERMAN. It is but right to say that the committee to whom this joint resolution was referred struck out all of the ap-

proprietion, and as reported it is a simple authority to the President to invite certain persons.

Mr. COCKRELL. Let the amendments be read, then. I shall reserve my right to object.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. The amendments of the committee will be stated.

Mr. COCKRELL. And then let the joint resolution be read as it will stand if the amendments are agreed to. In that way we can understand it.

The CHIEF CLERK. In line 9, after the word "States," insert the word "and," and in line 11, after the word "entertainment," strike out the remainder of the joint resolution, the words to be stricken out being as follows:

and that a sufficient sum to pay the expenses thereof is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of State, according to the provisions of section 291 of the Revised Statutes.

So as to make the joint resolution read:

*Resolved, etc.,* That the President of the United States be, and he hereby is, authorized and requested to extend to His Majesty Alfonso XIII, to Her Majesty the Queen Regent of Spain, and to the living descendants of Christopher Columbus, an invitation to attend the opening ceremonies of the World's Columbian Exposition as the guests of the Government and people of the United States; and that under his direction the Secretary of State shall make suitable arrangements for their reception and entertainment.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. I shall object to it until I have some information about the number of living descendants of Christopher Columbus. It might embrace half of Spain. Let the joint resolution go on the Calendar.

The VICE-PRESIDENT. Objection being made, the joint resolution will be placed on the Calendar.

Mr. PETTIGREW. I am directed by the Committee on the Quadro-Centennial (Select), to whom was referred the joint resolution (S. R. 43) requesting the loan of certain articles for the World's Columbian Exposition, to report it back favorably with amendments, and I ask unanimous consent for its immediate consideration.

The VICE-PRESIDENT. The joint resolution will be read for information.

The Chief Clerk read the joint resolution.

Mr. SHERMAN. Let the amendments be stated.

The VICE-PRESIDENT. The amendments will be read.

The CHIEF CLERK. In line 8, before "articles," strike out "the" and insert "any;" in line 13, after the word "reception," insert the word "transportation," and after the word "exhibition" insert the word "safekeeping;" in line 15, after the word "transportation" and after the semicolon, insert the word "and;" and in line 17, after the word "protection," strike out the remainder of the joint resolution, in the following words:

And that a sum of money sufficient to pay the expenses attending the reception and entertainment of these guests shall be appropriated out of any moneys in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of State, according to the provisions of section 291 of the Revised Statutes.

Mr. HALE. I ask the Senator who has reported the joint resolution whether the amendments, which I could not hear as they were read, in any way fix a limit to the appropriation?

Mr. SHERMAN. There is to be no appropriation made.

Mr. HALE. The appropriation is entirely stricken out?

The VICE-PRESIDENT. The last amendment is to strike out the appropriation.

Mr. HALE. I could not understand that. That entirely answers my question.

Mr. COCKRELL. Is all that part in regard to an indefinite sum stricken out and no provision made for sending a war vessel over there to bring the articles over? Is that all stricken out?

The VICE-PRESIDENT. The joint resolution will be again read.

Mr. COCKRELL. Let it be read as it will be if the amendments are agreed to.

The CHIEF CLERK. As proposed to be amended the joint resolution would read:

*Resolved, etc.,* That the President be, and he hereby is, authorized to request of the Government of Her Majesty the Queen Regent of Spain, of the municipal government of Genoa, of the Duke of Veragua, the descendant of Columbus, and of such other persons or corporations as may be thought proper, the loan of any articles, papers, books, maps, documents, and other relics of Christopher Columbus and those who were associated with him or with the discovery and early settlement of America, for exhibition at the World's Columbian Exposition; that the Secretary of State shall make such provision as may be necessary for their reception, transportation, exhibition, safekeeping, and return; that the Secretary of the Navy shall be authorized, if necessary, to detail one or more vessels for their transportation and that the Secretary of War shall detail whatever military guard may be necessary for their care and protection.

Mr. COCKRELL. That carries a necessary appropriation or an obligation to appropriate the money.

Mr. HALE. It leaves the question of appropriation to some future time. It has got to be done at some time.

Mr. COCKRELL. It virtually does that. I do not think the condition of the Treasury justifies the appropriation of indefinite sums of money at this time.

Mr. SHERMAN. I am a member of the committee of which my friend here [Mr. PETTIGREW] is the chairman, and I may speak the general sentiment of the whole committee upon this subject. There are three or four measures of this character prepared by the Secretary of State, and they were prepared in pursuance of existing law, which contemplates the participation of foreign governments in the exhibition at Chicago. These joint resolutions were prepared by the Secretary of State and sent to us, and in substance, if we intend to carry out the objects of the law, we have to pass them. But the Committee on the Quadro-Centennial thought it was not wise to make any indefinite appropriation. I am one of those who think that no appropriations ought to be made without some limit, and all the members of the committee concurred in that idea.

There is no doubt that we are already committed to every one of the objects proposed in the three joint resolutions, and all that it is necessary now to do is to make the appropriation. But instead of making indefinite appropriations of this character, it was thought better to strike out all appropriations and simply leave to the Secretary of State the execution of this duty according to the law, and then separate items of appropriation will be sent to the Committee on Appropriations, which will be reported, I understand, by the chairman of the committee to-day, making a general appropriation to carry these various laws or joint resolutions into effect. The Senator from Missouri, who is a member of the Committee on Appropriations, and other Senators can see how much ought to be allowed and what limit should be put upon the appropriations. That is the proper way. When we send an invitation we do not want to appropriate the money to pay for the expense of it. We send the invitations and then we make the appropriation. This is for the loan of certain articles which may be of great interest to the people of the United States. The loan is already offered to us, and the question is whether we shall accept the loan of many articles connected with the history of Christopher Columbus.

Mr. COCKRELL. Will the Senator permit me a question? Do I understand the Senator to say that under existing law we are already pledged to do this?

Mr. SHERMAN. No, not to do these particular things, but we are pledged to invite the cooperation of other nations in making the Exposition a success.

Mr. COCKRELL. That is all true, but—

Mr. SHERMAN. These are specific items which in the opinion of the Secretary of State it would be proper to do. He is not authorized to make specific invitations of particular persons. The Senator objected to the form of one joint resolution, that we invited all the descendants of Columbus. Of course, the President will not extend it in an indefinite way to all the present descendants of Columbus; he will only invite such as he thinks proper, and there is but one person living that I know of who is the recognized and acknowledged descendant of Christopher Columbus, and that is the Duke of Veragua.

Mr. COCKRELL. Then name him.

Mr. PETTIGREW. The joint resolution does name him.

Mr. SHERMAN. It does name him.

Mr. COCKRELL. "And the living descendants of Christopher Columbus." That is in the joint resolution. Strike that out, and I have no objection to the joint resolution. But the point is this: The Senator, as I understood him, said we were practically pledged to this matter in pursuance of existing law, and we ought to carry it out. If we let these joint resolutions pass, then it will be said the Appropriations Committee has no discretion; that we have already enacted the law, and the Appropriations Committee must make the necessary appropriation, whatever it may be, to carry out the existing law. I think we ought to consider before we go that far.

Mr. SHERMAN. The law to which I refer directs the President of the United States to invite all nations to participate in this celebration. It did not define the precise participation that was expected; it left that to the Executive authority; and now the Secretary of State, in the performance of this duty, asks practically the Congress of the United States to define more specifically the nature of this broad invitation. One of the joint resolutions provides for an invitation to the Empress of Spain, and the Duke of Veragua, and also the King of Italy, perhaps; I do not know precisely who are specified; but at any rate he is to invite those specifically and make proper provision for their coming here, leaving the amount of appropriation to be expended to be determined by the very careful Committee on Appropriations, which will have charge of the whole matter. The Committee on the Quadro-Centennial thought their duties were performed when

they defined the nature of these invitations, the extent to which they should go, and the authority to borrow articles of great interest to the people of the United States. It is a mere loan from persons who regard the articles as almost priceless treasures, and the question of appropriation and how far it should be limited, whether it should be \$1,000 or \$100,000, is all left to the Committee on Appropriations.

Mr. COCKRELL. By having the joint resolution printed we can judge of it with a great deal more accuracy, and there is plenty of time during the remainder of the week. It must therefore go over.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. PETTIGREW. I am instructed by the Committee on the Quadro-Centennial (Select), to whom was referred the joint resolution (S. R. 41) extending an invitation to the Presidents of the American Republics and the governors of American colonies to participate in the World's Columbian Exposition, to report it back favorably with an amendment. I shall not ask its consideration at this time.

I will state that the committee in considering these joint resolutions struck out all the appropriations, because it was objected that no appropriation should be made without a limit being fixed upon it. We thought as we were inviting people to be our guests it would not look well to tell them in advance just how much money we were going to spend to entertain them, and that we would allow the particular item to be provided for in some regular appropriation bill without calling too much attention to it.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

#### MESSAGE FROM THE HOUSE.

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

A bill (H. R. 1216) for the relief of the First Methodist Church, in the city of Jackson, Tenn.;

A bill (H. R. 2576) for the relief of the estate of Andrew J. Duncan, deceased; and

A bill (H. R. 3885) to increase the pension of George R. Allen.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6876) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. HOLMAN, and Mr. DINGLEY managers at the conference on the part of the House.

The message further announced that the House had appointed Mr. RICHARDSON, Mr. MCKAIG, and Mr. BRODERICK, managers on the part of the House at the conferences on the disagreeing votes of the two Houses on the amendments of the Senate to the following concurrent resolutions of the House:

Resolution to print the eulogies delivered in Congress upon Hon. Leonidas C. Houk, late a Representative from the State of Tennessee; and

Resolution to print the eulogies delivered in Congress upon Hon. W. H. F. Lee, late a Representative from the State of Virginia.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6836) making appropriations to supply a deficiency in the Department of Agriculture, and for other purposes; and it was thereon signed by the Vice-President.

#### URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I ask that the urgent deficiency appropriation bill, which has just come over from the House of Representatives, may be laid before the Senate with the request of the House for a conference.

The VICE-PRESIDENT. The Chair lays before the Senate the action of the House of Representatives on the bill (H. R. 6876) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, disagreeing to the amendments of the Senate to the bill and asking for a committee of conference thereon.

Mr. HALE. I move that the Senate insists on its amendments, and agree to the request of the House for a conference.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

#### CHANGE OF REFERENCE.

Mr. DOLPH. On the last business day of the session the Senator from Idaho [Mr. SHOUP] introduced a bill (S. 2562) to pro-

vide for the examination and classification of certain mineral lands in the States of Montana and Idaho, which was referred to the Committee on Mines and Mining. Looking at the bill I think the subject-matter should go to the Committee on Public Lands, as the Committee on Public Lands have already jurisdiction of a bill introduced by the Senator from Montana on the same subject. I understand that the Senator who introduced this bill is willing that the reference shall be changed. It should be referred to the Committee on Public Lands, and I therefore ask that that be done.

The VICE-PRESIDENT. That change of reference will be made in the absence of objection. The Chair hears no objection.

#### BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 2569) for the relief of the legal representatives of Thomas L. Alexander; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CARLISLE introduced a bill (S. 2570) to increase the pension of Margaret E. Merrill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 2571) to amend section 19 of an act entitled "An act to regulate commerce," approved February 4, 1887; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. FAULKNER introduced a bill (S. 2572) to carry out the findings of the Court of Claims in the case of Henry T. Woody; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 2573) for the relief of Albert J. Pratt, administrator; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 2574) to promote the safety of railway employes and travelers and requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers of a standard uniform type and continuous train brakes and their locomotives with power brakes, and for other purposes; which was read twice by its title.

Mr. ALLISON. I wish to say that this bill has been prepared by a committee of railway State commissions, of which Mr. Spencer Smith of my State was chairman, and I expect that it is a valuable contribution to the general subject. I move that the bill be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. McMILLAN introduced a bill (S. 2575) to provide for the sale of certain lots in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SANDERS introduced a bill (S. 2576) for the relief of C. L. Coder; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLEN. For the Senator from Minnesota [Mr. DAVIS], who is necessarily called from the Chamber, I introduce a bill.

The bill (S. 2577) for the relief of the legal representatives of Jacob H. Smyser was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLEN introduced a bill (S. 2578) granting the use of certain land in Walla Walla County, State of Washington, to the city of Walla Walla, for the purposes of a public park; which was read twice by its title.

Mr. ALLEN. In connection with this bill I wish to present the memorial of the city council of the city of Walla Walla, signed by Hon. John L. Roberts, mayor, praying for the passage of this bill; also, a like memorial signed by Hon. Thomas H. Brents, ex-Delegate in Congress, Hon. George T. Thompson, State senator, Hon. S. C. Wingard, late justice of the supreme court, W. H. Upton, judge of the superior court of Washington, and 150 others of Walla Walla, to like effect. I accompany the bill with a map also. I move that these petitions and the map accompanying the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CHANDLER introduced a bill (S. 2579) for the final settlement of the claims of the State of New Hampshire for the reimbursement of national bounties advanced to recruits mustered into the service of the United States under the President's call of October, 1863; which was read twice by its title, and referred to the Committee on Claims.

Mr. DIXON introduced a bill (S. 2580) granting a pension to Henry A. Frink; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 2581) granting an increase of pension to Mary A. Curtiss; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COKE (by request) introduced a bill (S. 2582) to provide for an inspector of mines in the Indian Territory, and for other

purposes; which was read twice by its title, and referred to the Select Committee on the Five Civilized Tribes of Indians.

Mr. MITCHELL introduced a bill (S. 2583) for the relief of William J. Murtagh, late proprietor of the National Republican, of Washington, D. C.; which was read twice by its title, and referred to the Committee on Claims.

Mr. WHITE introduced a bill (S. 2584) to remove the charge of desertion standing against the name of John L. Arms; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLODGETT introduced a bill (S. 2585) granting a pension to Jacob Dissenger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 2586) to reimburse George C. Tanner, late consul, etc., the sum of \$200, paid by him for rent of rooms; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HIGGINS introduced a bill (S. 2587) to grant a pension to Emily T. McMurtrie; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 2588) granting an honorable discharge to Henry W. Curtis; 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. 2589) for the relief of Francis Scala; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2590) granting a pension to Clara B. Hoyt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2591) to relieve John Davis of the charge of desertion and to grant him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

HON. THOMAS J. ROBERTSON.

Mr. BUTLER submitted the following resolution; which, with the accompanying brief, was referred to the Committee on Privileges and Elections:

*Resolved*, That the Secretary be, and is hereby, authorized and directed to pay to Hon. Thomas J. Robertson, late a Senator from South Carolina, \$—, the amount due him as Senator in the Fortieth Congress from the 4th of March, 1867, until he was paid; said payment to be made from the miscellaneous items of the contingent fund of the Senate.

STATUE OF GEN. JOHN PATTERSON.

Mr. DAWES submitted the following; which was read:

*Resolved*, That the Committee on the Library be instructed to inquire into the expediency of giving permission to the descendants of Gen. John Patterson, of the Revolutionary army, to place in the Capitol at their own expense a statue of him; and that said committee indicate the character and location of the same.

Mr. DAWES. I wish to say, in asking for the consideration of the resolution at this time, that Gen. Patterson rendered conspicuous service in the Revolutionary war at the battle of Bunker Hill, at the siege of Boston, and at Ticonderoga, and among other things was one of the court-martial that tried Maj. André. I have caused to be prepared a sketch of his military services, which I will ask to have referred to the committee if the Senate shall adopt the resolution. His descendants now propose, with the permission of Congress, to place in the Capitol, at their own expense, if that be proper, a statue of Gen. Patterson, under the direction of the Committee on the Library.

I hope there will be no objection to the adoption of the resolution.

Mr. COCKRELL. Let the resolution be again read.

The VICE-PRESIDENT. The resolution will be again read.

The Chief Clerk read the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. I fear that might be forestalling the committee by requiring them before they had passed upon the propriety of receiving the statute to designate a location for it.

Mr. DAWES. They are only to inquire into the expediency of it. The resolution only gives them jurisdiction.

Mr. COCKRELL. Let the last part of the resolution be again read. I think the resolution goes further than that.

The VICE-PRESIDENT. The resolution will be again read.

The Chief Clerk again read the resolution.

Mr. DAWES. That is, if the committee conclude to give permission they will indicate the place and character.

Mr. COCKRELL. If that is the understanding, I have no objection.

The resolution was considered by unanimous consent, and agreed to.

Mr. DAWES. I ask that the paper which I had in my hand may be referred to the committee with the resolution.

The VICE-PRESIDENT. That order will be made in the absence of objection.

ANTONIO MAXIMO MORA.

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

*Resolved*, That the President be requested to communicate to the Senate, if not in his opinion incompatible with the public interests, the diplomatic and consular correspondence in regard to the claim of Antonio Maximo Mora, a citizen of the United States, against the Government of Spain, since and including Mr. Caleb Cushing's note of October 21, 1875, to the Count of Cara Valencia; also the correspondence between the Government of the United States and Mr. Mora, his agents or attorneys, during the same period on the same subject.

COLLECTION DISTRICT OF PUGET SOUND.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed, and the Calendar under Rule VIII is in order.

Mr. DOLPH. I ask that the motion of the Senator from Washington [Mr. SQUIRE] to reconsider the vote by which the Senate passed the bill (S. 722) to amend the act entitled "An act to reorganize and establish the customs-collection district of Puget Sound," approved August 28, 1890, was passed, be now taken up.

The VICE-PRESIDENT. The question is on the motion to reconsider the vote by which the bill was passed.

Mr. SQUIRE. Mr. President, this is a measure that affects the State of Washington in an important degree. It is proposed by this bill to cut off all that portion of Washington which borders on the Columbia River for more than 100 miles from its mouth. I have proposed a reconsideration of this bill with a view of asking the Senate to recom mit the bill to the Committee on Commerce, for the reason that I had no notice of the bill until it was reported favorably by the Committee on Commerce and I saw it on the Calendar. I think fair play entitles the State through her representatives here to such a showing as can be made and ought to be made on this subject.

However, I understand the Senator from Oregon [Mr. DOLPH] proposes to have the discussion take place right here and now on this question of reconsideration, and then he proposes to make a motion to lay it on the table. With that understanding of the matter, I shall proceed to present a few suggestions briefly in an offhand manner to the Senate.

I learn from the Treasury Department that in the erection or institution of new customs collection districts it is the policy of the Government to follow State lines as near as practicable. And it seems to me this is done for a very good reason. It assimilates the habits of the people in all respects as regards the operations of the different departments of the Government. For example, this is done in reference to the United States courts and the administration of State affairs. In this way the operation of law becomes simple so far as relates to the boundaries of districts, and the people are less likely to be confused. Besides this, it is important that the statistics of commerce of the various States, so far as practicable, should be exhibited through the reports made from the collectors of customs.

In accordance with this view, a very excellent act was passed, approved August 28, 1890, providing for the reorganization and establishment of the customs-collection district of Puget Sound. In this act it was provided that there be a head port of entry at Port Townsend and that there be subports of entry at Seattle, at Tacoma, at Port Angeles, and at some point on Bellingham Bay, and at some point on Gray's Harbor, "and such other points as the Secretary of the Treasury may from time to time designate."

Under this provision there have been made since the passage of this act subports of entry at Aberdeen, on Gray's Harbor, at New Whatcom, on Bellingham Bay, and at Blaine, which is right on the boundary line between the State of Washington and British Columbia. It is contemplated that at no distant day a subport be located near the mouth of the river, on the Washington State side.

There are already indications of a much larger development there than has been going on heretofore. The nature of the country is such that it can be easily developed. The nature of the holding ground there for vessels is such that they like to lie there at Baker's Bay; and I myself have alighted from an ocean steamer just after getting over the turbulent waters of the Columbia River bar. When we had arrived at the placid waters of Baker's Bay I stepped right upon an elegant river steamer that goes up to Portland, and therefore I judge that it is a place which can naturally be developed into a fine port of entry.

The point I make is this: Under the present law all that is needful is the action of the Secretary of the Treasury to designate this place as a port of entry. That is combated by the Senator from Oregon with the statement that whenever a subport of entry is needed there, one can be created by law. That, of course, is true. But why throw away the opportunity that these people possess to have a subport created there by the action of the Secretary of the Treasury at any time?

The State of Washington is growing very rapidly. It is not like some of the older States, and even in the older States I doubt

if Senators would be willing to have their collection districts taken away from them or mutilated. I doubt very much if the Senator from Virginia would like to have the port of entry removed from Alexandria, right across the river here. They might just as consistently demand that. It is less distance from the port of Georgetown to Alexandria than it is from the port of Astoria or of Oregon, as it is called, to Baker's Bay, which is distant some 8 or 10 miles. There is fine anchorage ground there, and it is a place to which railways are projected; and the people of that part of the State have the right to expect that a port of entry will be established there at no distant day.

As I remarked, there have already been three subports of entry established since the passage of this act, which was approved August 28, 1890.

The mere consideration of the proper reports of the commerce of that region of the State is of value. It is important to the people of the State. They have already been complaining that their wheat goes out from the State of Washington as "Oregon wheat." I suppose it is a fact that three-fourths, and perhaps nine-tenths, of all the exports of wheat from Portland, from the district of the Willamette, and from Astoria or the district of Oregon, really and originally go from the State of Washington, and it is natural that the people of the State of Washington prefer to have credit for their production.

Mr. DOLPH. Which State raises the most wheat?

Mr. SQUIRE. The State of Washington.

Mr. DOLPH. Oh, no; the State of Oregon raised more last year.

Mr. SQUIRE. I am very sure the Senator from Oregon is much mistaken. At any rate his statement does not agree with the statement made to me by a member of Congress from his State, who, a few days ago, told me they had ceased raising wheat almost entirely in the Willamette Valley, and were engaged mainly in the production of fruits and other crops, finding a better market for those since the growth of cities and railways.

The point I make is, that in all fairness to the people of the State of Washington their collection district ought not to be taken away from them or mutilated. It is not fair or right. The people who live on the north side of the Columbia River ought to have a chance to have their advantages developed on that side of the river. Sometimes it has occurred with us that a city of 25,000 population like Seattle has doubled in less than two years. There are places there that were mere hamlets or villages like Port Angeles, or Blaine, or New Whatcom on Bellingham Bay, the latter of which now claims a population of ten or twelve thousand, which was created a subport of entry since the passage of this act approved August 28, 1890.

I say that under these conditions it is better to "let well enough alone," and not disturb an existing law which is operating well. This law was devised after full consideration and full consultation with the officials of the Treasury Department, and full consideration of the Committee on Commerce. It is not quite two years old yet. It has worked admirably. It is elastic. It provides for these additional subports of entry when required; and why now relegate the situation back to a condition of confusion?

The complaint, perhaps, may be made that some of the masters of sailing vessels and some of the shipowners were accustomed to have their vessels lie down near the mouth of the river in Baker Bay. I understand that is the gist of the complaint; that they had a habit of that kind formerly and that they would like to pursue the same course now. I asked the Secretary of the Treasury if he knew of any reason why this change should be made, and he said it did not make a dollar's difference to the Treasury, not a shilling at present. He said he thought, perhaps, it might accommodate a few. I asked if any complaints were made, and he said he could recollect of but one.

Mr. DOLPH. To whom does the Senator refer?

Mr. SQUIRE. The Third Assistant Secretary of the Treasury.

Mr. DOLPH. Mr. Spaulding?

Mr. SQUIRE. The Assistant Secretary in charge of the customs division. He said the matter was somewhat nebulous in his mind—that was the word he used—but he could remember only one instance where a reference had been made to it by letter, and he thought it perhaps might to some extent be a convenience to the vessels that were required to take a customs officer aboard at the port of Oregon, at Astoria, where they are required to take on a customs officer if they are proceeding to Portland, so that goods may not be illicitly disposed of on the river. And it seems that these vessels, after lying down near the mouth of the river on the Washington side, do not want to stop. It is a mere question of a little petty convenience for them. They do not want to stop at Astoria to take on an officer.

The fact is the anchorage is quite deep at Astoria, as one can see by reference to the map. I have the map here showing the region and showing the figures. Of course it is impossible for all of the Senators to see this, but here [indicating on the map]

is Baker's Bay, and here is Astoria, and the figures are denoted on the map. You find here [indicating] the anchorage down on Baker's Bay and that vicinity, and here is indicated the anchorage in front of Astoria. Astoria is the largest port. There may be some question of additional expense to these shipmasters about docking their vessels. That is all the reason I have been able to ascertain for this proposed change of the existing law, and it seems to me the reason is too small, too weak, too inefficient. There is nothing in it except the matter of a very slight accommodation.

Now, if it is necessary for these vessels to land on the Washington State side, let us make a subport of entry there at once and have done with it, for that will be the end of it. But we have no right to take away from the people the rights that they now enjoy under the existing law.

You may say it is a question to some extent of sentiment. I suppose there is some sentiment about it. But I believe it is legitimate and proper for the people to have strong practical sentiments in a new country that is being so rapidly developed. First of all is the sentiment of hope and expectancy; and these toilers establishing their homes and business there have a right to a hope and expectancy of development, and, if such a sentiment does exist there, I do not think the Senate ought to take away this chance of a port from them by any such procedure as laying a motion of this kind on the table. You have no right to take away the shining rays of hope.

I say, let the motion to reconsider be passed, and then I propose to make a motion to recommit the bill to the Committee on Commerce and let them reconsider it. I would have appeared before the committee originally had I been notified before the bill was reported. I understand that my colleague [Mr. ALLEN] was consulted with reference to this matter. He can speak for himself. I only say, as I did the other day, that I made the motion I did after full consultation with him and at his request. He will have something to say to you on the subject, and I do not want a motion to lay this motion of mine on the table to prevail until my colleague has a chance to be heard.

Mr. DOLPH. Mr. President, I will endeavor to be very brief about this matter, and I hope I may have the attention of every Senator.

The collection district of Oregon—the collection district of which Astoria, Oregon, is the port of entry—is a very old collection district. Its boundaries were described as follows:

The district of Oregon; to comprise all the waters and shores lying north and east of the north bank of the Siuslaw River to the forty-sixth and a half degree of north latitude—

That is about 100 miles north of the Columbia River—

and west of the Coast Range of mountains to the forty-eighth degree of north latitude, except that portion situated above the junction of the Willamette and Columbia Rivers and drained by those rivers and their tributary waters; in which Astoria shall be the port of entry.

That is to say, as the law stood until the 28th of August, 1890, the mouth of the Columbia River and all the surrounding country below the Willamette was included in one collection district. The district extended north almost to Puget Sound. After the State of Washington was admitted, a bill was introduced by one of the Washington Senators to reorganize the collection district of Puget Sound, and I gave my cordial assent to it, because it did not occur to me at the time that there was any division of the necessary territory of a district, and the bill went through and became a law.

I was down at the Treasury Department one day, and my attention was called by Assistant Secretary Nettleton, I think, at least by one of the Assistant Secretaries, to the fact that they had overlooked the matter of the situation of Columbia River and made a mistake, and that the north bank of the Columbia River should have been left in the Oregon district.

Vessels that come in the Columbia clear at Astoria, and if they proceed to Portland an inspector is put aboard of them. They do not get 10 miles before they leave the district and enter the collection district of Puget Sound, with the port of entry at Port Townsend. The inspector put aboard the boat at Astoria is outside the collection district almost as soon as he goes upon the boat, because the channel, shortly after leaving Astoria, is on the north side of the river. There is nothing on the north side of the river to justify a port of entry or delivery or the appointment of any officer, nor is any officer there.

The Senator from Washington [Mr. SQUIRE] acts as if he thought we were trying to steal a part of the territory of Washington and trying to get some patronage or some advantage that belongs to the State of Washington. There is nothing of the kind; this bill does not affect a dollar of compensation of any officer; it does not affect the appointment of an officer; it affects nothing except the proper transaction of the business of the collection district at the mouth of the Columbia. That is all there is of it.

To show that I am correct in what I state, the act was passed on the 28th of August, 1890, creating the new district. I had been requested by the Treasury Department to introduce this bill and had introduced it—I think I introduced it, it was certainly introduced either by myself or by my colleague, and it had been sent down to the Department and was reported from the Department five months later, on January 31, 1891. Mr. Acting Secretary Nettleton writes as follows to the committee:

TREASURY DEPARTMENT,  
Washington, D. C., January 31, 1891.

SIR: I have the honor to acknowledge the receipt of a letter from your committee, dated the 29th ultimo, transmitting a copy of bill S. 4731 Fifty-first Congress, second session, to amend an act entitled "An act to reorganize and establish the customs-collection district of Puget Sound," approved August 28, 1890.

You request such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

The collection district of Puget Sound, as created by the act of August 28, 1890, embraces a part of the lower Columbia River, which it seems should belong to the district of Oregon.

It is suggested that the bill be so amended as to transfer from said district "all the waters and shores of the Columbia River lying west of the junction of the Columbia and Willamette Rivers" and include the same in the collection district of Oregon.

Respectfully, yours,

A. B. NETTLETON,  
Acting Secretary.

HON. WILLIAM P. FRYE,  
Chairman of Committee on Commerce United States Senate.

It is only the bank of the river, no part of the territory of the State of Washington, which it is proposed to include in the Oregon district. The bill only proposes to extend the collection district of Oregon over to the north shore of the Columbia River for a distance of 100 miles from its mouth to the mouth of the Willamette. I introduced the bill at the last Congress to embrace Shoalwater Bay, a little bay just north of the mouth of the Columbia, where sometimes an inspector has been stationed; but, on the objection of the Senator from Washington [Mr. ALLEN], I amended the bill and made it conform entirely to his suggestion and reported it, and supposed it was satisfactory. When it was reached on the Calendar in the Senate, either the Senator from Washington [Mr. ALLEN] objected to its consideration or asked to let it be passed and remain on the Calendar for a time. I consented and it remained on the Calendar weeks and I think months before it was considered.

I understood from the Senator from Washington [Mr. ALLEN] that he wanted to communicate with his people, so that he might ascertain their wishes, and when the bill was taken up and passed at the last session I had the permission of the Senator to do it, he stating that he did not wish to delay it any longer. That is what was done at the last Congress. That was not disregarding the amenities that prevail among Senators.

At the present session I introduced the bill just as it was reported by the committee and passed the Senate last year, and I may say the bill at the last Congress and at the present received the unanimous report of the Committee on Commerce. At the present session I made the following report:

Mr. DOLPH, from the Committee on Commerce, submitted the following report, to accompany S. 722:

The Committee on Commerce, to whom was referred the bill (S. 722) to amend "An act to reorganize and establish the customs-collection district of Puget Sound," approved August 28, 1890, having considered the same, report:

The annexed letter from the Acting Secretary of the Treasury shows the necessity for the proposed legislation, and the committee recommend the passage of the bill.

This was unanimous. There was nobody on the committee but believed that the bill was proper and just. I do not think the Senator's colleague believed otherwise. I will now read the letter from the Treasury Department:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., January 16, 1892.

SIR: I have the honor to acknowledge the receipt of a communication from your committee dated the 23d ultimo, with which was inclosed copy of Senate bill No. 722, having for its object the amendment of an act approved August 28, 1890, entitled "An act to reorganize and establish the customs-collection district of Puget Sound." The bill in question proposes to transfer from the Puget Sound customs-collection district all the waters and shores of the Columbia River lying west of the junction of the Columbia and Willamette rivers, and to include the same in the customs-collection district of Oregon. It appears from an investigation of the subject—

Not a nebulous knowledge of the matter—

It appears from an investigation of the subject that the proposed legislation would facilitate the transaction of business by the owners and masters of vessels without involving any increase of expenses in the collection of the revenue from customs, and I therefore recommend favorable action on the bill.

Respectfully, yours,

O. L. SPAULDING,  
Acting Secretary.

HON. WILLIAM P. FRYE,  
Chairman Committee on Commerce, United States Senate.

My attention was called to the necessity for this legislation by the Assistant Secretary of the Treasury, and probably the attention of my colleague also was called to it. My colleague or myself introduced the bill. It was favorably reported on by Assist-

ant Secretary Nettleton, and it was favorably reported to the Senate by the Committee on Commerce. It was kept on the docket for several weeks or months until it could be thoroughly examined, at least by the Senator's colleague. It was a subject of discussion here in open Senate at the time, and it was only taken up and passed when, as I understand, the Senator from Washington [Mr. ALLEN] had had all the time he desired to investigate it, and he consented to its being passed at the last session.

Mr. MITCHELL. Will my colleague state the average distance from the Columbia River to the nearest subport of entry?

Mr. DOLPH. I am not able to do it at this minute, but the mouth of the river is quite wide; it may be 5 or 6 miles wide. It is about 4 miles from Port Stevens to Scarborough Head, I think it is called, and it may be 4 or 5 miles from Astoria across to the north bank, but after you get 15 miles up the river it varies from 1 to 2 miles in width.

Mr. SQUIRE. I will show the Senator by the map I have in my hand, and I will take a rule and measure the distance from Baker's Bay up to Astoria in a straight line.

Mr. DOLPH. How far is it?

Mr. SQUIRE. It is over 8 miles. Of course, the channel being tortuous, the actual distance is greater.

Mr. DOLPH. I had got the impression that there could be no question on anybody's part about this being a proper bill, and when it was reported and placed upon the Calendar, I did not think it necessary to notify anybody of it. When it was reached in its order, the Senator's colleague objected to its present consideration. I kept the bill on the Calendar just as long as I understood the Senator's colleague desired me to keep it on the Calendar, and then I called it up and had it passed. Then the Senator comes in and moves to reconsider.

I say that the bill does no wrong to Washington. It is merely to facilitate the transaction of the public business. It does not put a dollar in anybody's pocket unless it be that of the Government. It simply provides that when the inspectors go aboard a vessel at Astoria to go up the Columbia River to Portland, they shall be in one collection district all the way up and not be taken out of it by following the channel.

Mr. SQUIRE. Will the Senator allow me to ask him a question?

Mr. DOLPH. Certainly.

Mr. SQUIRE. Is it true that the officer going on board the vessel at Astoria would be in one collection district all the way? Would he not have to cross into another collection district when he got to Portland?

Mr. DOLPH. Of course, and the provision of the law is that an inspector shall be placed on the vessel when you pass through one collection district and go into another. The vessel reports when she comes in, and an inspector is put on board and remains until she gets where she is to be unladen.

Mr. SQUIRE. Then I should like to ask what difference would it make whether the customs officer went from the collection district of Oregon or the collection district of Washington to the district of Willamette.

Mr. DOLPH. There is nothing on the Washington side but a little town right at the mouth of the river, where a few people go for a summer residence. There is a little town a few miles farther up the river, where there is a sawmill and a few residents; it is a very small affair. Then there is Kalama, a small place, where the Northern Pacific Railroad leaves the Columbia River, but there is at present no commerce and ships do not discharge there; there is no port of entry or port of delivery on the north side of the river and there is no necessity for one. If there is ever a necessity for one, then one can be established to accommodate the business.

Mr. SQUIRE. Would it not require additional legislation to do that?

Mr. DOLPH. I suppose, if any part of one collection district was taken away and put into another, it would require legislation. It was an oversight in just taking the boundaries of the State and making one collection district out of it.

The Senator talks as if this was an unusual thing. I think the port of Philadelphia and the port of Baltimore are situated in the same way, each of which includes portions of two States, and there are a dozen ports in the United States to-day where parts of two States are in the same collection district; but it is not usual to divide a river.

Mr. MITCHELL. May I ask my colleague if it is not important to the interests of shipping that all the waters of the Columbia River down to the mouth should be in one or the other of the districts?

Mr. DOLPH. That is what they told me at the Treasury Department, and I have no other reason for offering the amendment except that it was asked for by the Treasury Department in order that the public business might be properly transacted.

Mr. SQUIRE. Take it clear up through to the sources of the

Columbia, through the eastern part of the State, take the whole of it?

Mr. DOLPH. I do not covet any part of the State of Washington at all, or covet any patronage of the State. I do not want to injure the State, and do not conceive that we are doing so. I simply want to provide for the efficient transaction of the business, as the head of the Department asked.

Mr. ALLEN. I have no complaint, Mr. President, to make of the Senator from Oregon in what he has done in this matter. I will say that all the information I had, until I had investigated this matter with a view of a reconsideration, I got from the Senator from Oregon. I have no doubt he gave his information and has taken this action in good faith; but having my attention specifically called to the question, Mr. President, it seems to me this bill is a mistake, and that it is a mistake that should not be perpetuated in a law, and that the present lines of the district as existing should be maintained.

In 1853 the Territory of Washington was created. The middle of the main channel of the Columbia River was made the boundary line between the State of Oregon and the Territory of Washington. As my colleague has stated, this is a great river, Mr. President. It is only second to the Mississippi; its width from the mouth for some 20 miles up varies from 3 to 5 and 8 to 10 miles. I do not know but I am safe in saying that the average width of the Columbia River from the ocean to the Willamette River is 2 miles.

The proposition of this bill is to take off a strip of at least 1 mile on an average from the ocean to the mouth of the Willamette River, more than 100 miles, from the side of the State of Washington, and place it in the collection district of the State of Oregon.

I was led to believe from the information the Senator gave me and from the statement he has made in the debate this morning that there was no recognition of the integrity or the individuality or the identity of States in the creation of collection districts; but when I came to examine the law by which these districts are created I found that that rule had been sternly and severely held to from the year 1799 until this time. The variations have been of the rarest exception.

You begin up on the Atlantic seaboard with the State of Maine, and the law says "the State of Maine is divided into fourteen collection districts," and the integrity of the State of Maine is preserved. So you come down all the way along the Atlantic coast until you reach the States of Delaware, Pennsylvania and New Jersey, where you have so small a stream as the Delaware River. All the waters of that river within the State of Delaware are confined to the collection district of the State of Delaware; all the waters of the State of Pennsylvania bordering upon the Delaware River are confined to the district of the State of Pennsylvania. So it is with the State of New Jersey. You come here to the Potomac River—a mere creek in comparison with the Columbia River—and yet all the waters of the State of Virginia are retained in the one district and of Maryland in the other, except a little strip which lies out entirely segregated from the State of Maryland. So you go down along the Atlantic seaboard to the State of South Carolina and Alabama, and there you find the river dividing these States is preserved as the boundary line of the districts.

When you come to the Mississippi River you find that the district of the State of Mississippi is preserved. Go out, if you please, along the northern boundary and you find all of the waters of the Lake of Champlain in the State of Vermont are kept within the district of the State of Vermont, and those in the State of Pennsylvania are kept in the State of Pennsylvania. You follow along the lakes and find that the boundary of the district ceases at once when you reach the boundary of the State.

Go to the district of western Pennsylvania, and you find that all the waters in the State of Pennsylvania, bordering upon the Ohio River, are kept within the district of Pennsylvania.

I say there are some exceptions—

Mr. DOLPH. As the Senator now qualifies his statement, I wish to call his attention to a few instances.

Mr. ALLEN. I have done that myself.

Mr. DOLPH. I find that—

The district of Stonington: To comprise all the waters and shores from the west line of Mystic River, including the villages of Portersville and Nook, in the town of Groton, to the east line of Pawcatuck River, including the town of Westerly, in Rhode Island, as bounded on the 3d day of August, 1842, in which Stonington shall be the port of entry, and Pawcatuck River, in the town of Westerly, a port of delivery.

Mr. ALLEN. I will say, in answer to the statement of the Senator—

Mr. DOLPH. Let me refer to two or three others.

The district of the city of New York; to comprise all the waters and shores of the State of New York, and of the counties of Hudson and Bergen in the State of New Jersey.

Also take another large collection district, and the Senator will

see, I think, that if the waters of a State have been included in one collection district it was because there was no river separating them.

The district of Philadelphia; to comprise all the waters and shores of the Delaware River, and the rivers and waters connected therewith, within the State of Pennsylvania, and the port of Camden, in New Jersey.

There are three important ports at once, that I call to the attention of the Senator.

Mr. ALLEN. Mr. President, in answer to the Senator from the State of Oregon, I will say this: Take the first exception he makes, and you will find that it is a very small town projected by an angle out into the body of another State, and even in that instance in the State of Maine, that town is made a subport of entry, a place of delivery, and the shippers are given their choice of going into that district or into the State with which it is connected.

You go down to the district of New York, which the Senator cites, and although a certain part of the State of New Jersey is included in that district, yet the law is very careful to provide that Jersey City shall be a port of entry and a port of clearance, and more than that, it places a collector in that district with all the powers that are given to the collector of the port of New York. That is true.

You go to the State of Pennsylvania and what do you find in the instance of Camden, which the Senator cites? Why, the city of Camden is made a subport, and it is given its collector and it is given the full power of clearance that belongs to any other collection district.

These are rare exceptions, and you will find that from first to last, as I say, the individuality, the integrity of the State is preserved. The rule is only violated in certain limited instances. That is atoned for just as far as it is practicable by giving a plenary power to the locality included in another State and segregated from its body.

Now, I come to the State of Washington. As I say, here is the greatest river on the continent, except the Mississippi River; here is the greatest scope of waters; here is a State that was organized as a collection district under the advisement of the Treasury Department. It is different from any other district that I know of. It is so arranged that the collection of customs is made adjustable all the time in that State to accord with the condition of commerce. It is provided that there shall be one principal port of entry in the district, and that such subports shall be created anywhere within the district as the Secretary of the Treasury may from time to time think to be necessary, and all that is requisite in this case, if the convenience of commerce should require it, would be to apply to the Secretary of the Treasury to have a deputy collector appointed to reside upon the Columbia River.

It is a fact that Southwestern Washington is growing and developing very much more rapidly than Northwestern Oregon. I think I can safely say that for every mile of road that is constructed in Northwestern Oregon there are 10 miles constructed in Southwestern Washington.

Mr. DOLPH. What kind of roads does the Senator refer to?

Mr. ALLEN. Railroads. You go from Astoria and you have no railroad unless it is a little line running down the beach, but when you come into Southwestern Washington you have railroads running all the way from Puget Sound down to Gray's Harbor; you have railroads running from Puget Sound all the way down to within a very few miles of the Columbia River, to the prosperous young city of South Bend, and you find a rapid development taking place along the whole frontier of the State.

Now, I ask why it is that this great river, upon which a Commonwealth presents its broadside, its entire boundary line, you may say, or at least 100 miles of its boundary line, with opportunities for shipping that are ample, with a population and an enterprise that are pressing development down to the banks of the river, and when no complaint is made, do you ask to destroy this district, to mutilate it, to transfer a strip 100 miles long by a mile wide on an average, from one collection district into another? It is totally unnecessary, Mr. President. It is not the saving of a picayune to the United States, and as the Senator himself concedes, if the interest of commerce requires, if this bill is passed, we are placed at the disadvantage of having to come 3,000 miles to Congress to ask for legislation to undo what has been done; whereas if you leave this district in its present intelligent and adjustable condition, the only thing that the Secretary of the Treasury has to do is to designate a deputy collector to go and administer the custom laws anywhere along the bank of this river that may be necessary.

In view of these facts, Mr. President, attention having been called to it, it seems to me that it is a matter of justice and, as my colleague says, it is a matter perhaps somewhat of sentiment and of State pride as well, which should be respected, that the same rule be applied to the State of Washington that is ap-

plied to all the other States of this Union; and without any substantial reason being shown for it, and not a complaint that I know of in the line of commerce—

Mr. DOLPH. The Secretary of the Treasury and the collector of customs complained.

Mr. ALLEN. I will say this, that if complaint should come from any source it should come from the State of Washington. That is where it should come from. But in the whole history of the administration of this law, from its enactment until to-day, with all my correspondence with all the communities along the Columbia River, I have never heard one word of complaint and not a single demand for this change. It is the little towns scattered along the Columbia River on the Washington side that would be complaining if commerce was placed at a disadvantage, but no such complaints come. Therefore, Mr. President, I urge, and I think I have the right to urge, that this collection boundary line shall remain where it is—the interstate boundary line. It bounds between Washington and Oregon for all judicial purposes and for all State purposes, and why not let it be controlling as in other cases for the collection of customs as well?

Mr. SQUIRE. Mr. President, I will not occupy the time of the Senate at any great length; I simply wish to speak on one point.

I understand the question of the reorganization of the customs-collection districts is under the eye of the Treasury Department, in reference to various bills that have been presented in both branches of Congress. I understand that a bill has been submitted to the Treasury Department, which provides for the consolidation of one hundred and twenty collection districts in the United States to sixty-seven. I have a copy of the bill before me, and one copy has been presented by the House committee and another by the Senate committee, and I understand the Treasury Department has expressed its approval.

In the copy of that bill before me I see that collection districts enumerating the different States are to be consolidated and that the consolidation is in the method that my colleague has referred to. The bill says, on page 2—

In the State of Washington, one district.

It seems to me from what I have been able to gather at the Treasury Department and from the expressed statement of the officer in charge of customs there that it is the view of the Department that where practicable these collection districts should be made conformable to State lines; that when there are more districts than one they should be included in one State.

There are a few exceptions, notably the collection district of New Orleans having one seaport at New Orleans, but this district ramifies all through the western part of the Mississippi Valley and the various confluents of the Mississippi. That is the great exception. There are some other minor exceptions, but the rule is in the erection of new districts to conform as far as practicable to State lines.

Following out that theory, the present organization took place in the State of Washington, and I think the Senate will agree with me that it ought to be adhered to, unless there is some good reason to the contrary, some important reason, something more than has yet been presented.

Mr. DOLPH. I read from the statutes the description of three important ports of entry. I think I may safely say that there are a dozen of them, where both sides of a river are included in the same collection district although they are in different States.

The Senator from Washington nearest me [Mr. ALLEN] says there is no complaint. Why, the people of Washington have no cause of complaint. There is no port of entry or port of delivery or no commerce on the north bank of the Columbia River and therefore the people of Washington would have no cause of complaint whatever. Complaint comes up from the collection district of Oregon, where the officers find they are embarrassed. The collector finds that he and his subordinates are embarrassed in enforcing the law because the collection district only extends to the middle of the river.

Complaint originally came from the Secretary of the Treasury or from some one of his assistants, and that was the reason the bill was introduced within a very few months after the law was amended, making the entire State of Washington a collection district. The people of Washington at present have no interest in this matter. There is nothing on the north side of the river to call for a collection district. When there is, Congress can deal with that question.

I repeat again, I amended the bill that was introduced in the last Congress to meet the views of the Senator from Washington [Mr. ALLEN], and I supposed when it was reported that it met his views. I kept it on the Calendar week after week and from month to month, in order that he might correspond with his people and inquire into the matter. He had no right to rely upon me and he had as good a chance and better to ascertain the con-

dition of affairs than I had, because a portion of the increase in the area of this district was to be taken from his State. I kept the bill on the Calendar again this session on his objection until he was ready to let me take it up and pass it. Now, his colleague says that he has not had time to be heard.

Mr. SQUIRE. I said I had no notice.

Mr. DOLPH. Why, sir, this proceeding is childish and trifling with the public business; but I now consent that the motion shall carry to reconsider the vote by which the bill was passed, and that it may be referred to the Committee on Commerce, although it has been twice reported favorably.

Mr. ALLEN. Mr. President, I wish to say that I am very much surprised at my amiable and even-tempered friend from the State of Oregon, that he sees fit to stand upon the floor of the Senate and brand this measure as childish. Now, it may be childish, and if there be a Senator on this floor who, according to the rule that practice makes perfect, has the right to stand in criticism upon the action of Senators from other States, it is the Senator from Oregon. I suppose, accepting the opinion of the Senator from Oregon, it must be childish; but I object, Mr. President, to any such treatment coming from a Senator to Senators representing other States with equal rights upon this floor, acting in good faith in vindication of what they think the interests of the constituency they represent, to have their conduct branded as being childish.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the motion to reconsider the vote by which the bill was passed.

The motion was agreed to.

Mr. SQUIRE. Now, Mr. President, I move to recommit the bill to the Committee on Commerce.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington to recommit the bill to the Committee on Commerce.

The motion was agreed to.

#### MISSOURI RIVER BRIDGE AT YANKTON, S. DAK.

The PRESIDING OFFICER. The Secretary will report the first bill on the Calendar.

The bill (S. 442) to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 7, after the word "a," to insert "combined railroad, wagon, and foot-passenger;" and in line 17, before the word "maintain," to strike out "keep up and;" so as to make the section read:

That it shall be lawful for the Yankton Bridge Company, a corporation organized for that purpose under the general corporation laws of the State of South Dakota, or its assigns, to construct, under and subject to the conditions and limitations hereafter provided, a combined railroad, wagon, and foot-passenger bridge across the Missouri River, at the city of Yankton, S. Dak., and lay on and over said bridge railway tracks for the more perfect connection of any and all railroads that now are or which may hereafter be constructed to the Missouri River at the city of Yankton, or to the river on the opposite side of the same, near the city of Yankton, and build, erect, and lay on and over said bridge ways for wagons, vehicles of all kinds, and for the transit of animals, and to provide ways for foot passengers, and to maintain and operate said bridge for the purposes aforesaid; and that when said bridge is constructed all trains of all railroads terminating at said river, and on the opposite side thereof, at the city of Yankton, S. Dak., shall be allowed to cross said bridge for reasonable compensation to be made to the owners of the same; and if the amount of said compensation can not be agreed upon by the parties the same shall be fixed by the Secretary of War. The owners of said bridge may also charge and receive reasonable compensation or tolls for the transit over said bridge of all wagons, carriages, vehicles, animals, and foot passengers: *Provided*, That the Secretary of War may at any time prescribe such rules, regulations, and rates of toll for transit and transportation over said bridge as may be deemed proper and reasonable.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "drawbridge," to strike out "with a pivot or other form of draw;" in line 12, after the word "river," to insert "at high water;" in the same line, after the word "main," to strike out "span" and insert "spans;" in line 13, after the word "main," to strike out "channel" and insert "channels;" in line 15, after the word "with," to strike out "a draw over the main channel of the river at an accessible and navigable point" and insert "one or more draws, as the Secretary of War may prescribe;" in line 20, after the word "pivot," to strike out "pier" and insert "piers;" in the same line, after the words "of the," to strike out "draw" and insert "draws;" in line 21, before the words "to the," to insert "over the river;" in the same line, after the words "to the," to strike out "draw" and insert "draws;" in line 22, after the word "feet," to insert "in the clear, measured at low water;" in line 27, after the word "river," to insert "at high water;" in line 34, after the word "said," to insert "channel spans or," and at the end of line 47, after the word "river," to insert "at high water;" so as to make the section read:

SEC. 2. That any bridge built under the provisions of this act may, at the option of the corporation building the same, be built as a drawbridge, or with

unbroken or continuous spans: *Provided*, That if the same shall be made of unbroken continuous spans, it shall not be in any case of less elevation than 50 feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure, with straight girders; nor shall the spans of said bridge be less than 300 feet in the clear at low water mark; and the piers of said bridge shall be parallel with the current of the river at high water, and the main spans shall be over the main channels of the river: *And provided also*, That if a bridge shall be built under this act as a draw-bridge the same shall be constructed as a pivot drawbridge, with one or more draws, as the Secretary of War may prescribe, and with spans of not less than 200 feet in length in the clear on each side of the central or pivot piers of the draws, and the next adjoining spans over the river to the draws shall not be less than 250 feet in the clear, measured at low water; and said spans shall not be less than 10 feet above extreme high-water mark, measuring to the lowest part of the superstructure of the bridge; and the piers of said bridge shall be parallel with the current of the river at high water: *And provided also*, That said draw shall be opened promptly, upon reasonable signal, without unnecessary delay; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe, and such sheer booms or other structures as may be necessary to safely guide vessels, rafts, or other water craft safely through said channel spans or draw openings, and as shall be designated and required by the Secretary of War: *And provided further*, That the corporation building said bridge may, subject to the approval of the Secretary of War, enter upon the banks of said river, either above or below the point of location of said bridge, and confine the flow of the water to a permanent channel, and to do whatever may be necessary to accomplish said object, but shall not impede or obstruct the navigation of said river, and shall be liable in damages for all injuries to private property, and all plans for such works or erections upon the banks of the river shall first be submitted to the Secretary of War for his approval: *And provided further*, That any bridge built under the provisions of this act shall be at right angles to the current of the river at high water.

The amendments were agreed to.

The next amendment was in section 3, line 16, before the word "persons," to insert "the;" in the same line, after the word "persons," to insert "operating or;" and in line 21, after the word "courts," to insert "of the United States;" so as to make the section read:

SEC. 3. That no bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and no bridge shall be commenced or built under this act until the location thereof and the plans and specifications for its construction shall have been submitted to and approved by the Secretary of War; and any change in the plan of such construction or any alteration in the bridge after its construction shall be subject to the like approval; and whenever said bridge shall, in the opinion of the Secretary of War, substantially obstruct the free navigation of said river, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge, or the persons operating or controlling the same; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of the Missouri River, at or near the crossing of said bridge, caused or alleged to be caused thereby, the cause shall be commenced and tried in the circuit courts of the United States of either judicial district of South Dakota or Nebraska in which the said bridge or any portion of such obstruction touches.

The amendment was agreed to.

The next amendment was in section 4, line 8, after the word "bridge," to strike out the following words:

Such lights shall be kept upon said bridge as the Light-House Board shall direct, and said bridge shall moreover be provided with all proper safeguards for the security of person and property.

So as to make the section read:

SEC. 4. That any bridge built under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for their transportation over the railroad or public highways leading to such bridge. The United States shall also have the right to construct, without charge therefor, telegraph or telephone lines across said bridge.

The amendment was agreed to.

The next amendment was to add the following section:

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years, and completed within four years from the date thereof.

The amendment was agreed to.

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

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

#### HOUSE BILLS REFERRED.

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

A bill (H. R. 2576) for the relief of the estate of Andrew J. Duncan, deceased; and

A bill (H. R. 1216) for the relief of the First Methodist Church, in the city of Jackson, Tenn.

The bill (H. R. 3885) to increase the pension of George R. Allen, was read twice by its title, and referred to the Committee on Pensions.

#### EXECUTIVE SESSION.

THE PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 427) to provide for the erection of public buildings for post-offices in towns and cities where the post-office

receipts for three years preceding have exceeded \$3,000 annually.

Mr. HOAR. Mr. President, 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 seventeen minutes spent in executive session the doors were reopened.

#### POST-OFFICE BUILDINGS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 427) to provide for the erection of public buildings for post-offices in towns and cities where the post-office receipts for three years preceding have exceeded \$3,000 annually.

THE PRESIDING OFFICER. The pending question is on the amendment of the Senator from Wisconsin [Mr. VILAS] to the amendment of the Committee on Public Buildings and Grounds.

Mr. VILAS. Mr. President, since the adjournment on Friday last, after a conference with the Senator from Nebraska [Mr. PADDOCK] and the Senator from Missouri [Mr. VEST], I have amended the amendment which was under consideration in a manner which I now understand to be entirely acceptable, and I ask leave to withdraw my former amendment to the amendment and to move in its place what I now send to the desk.

THE PRESIDING OFFICER. The Senator has a right to modify his amendment. The Secretary will report the amendment to the amendment as modified.

THE SECRETARY. Strike out all of lines 17, 18, 19, 20, and 21 to the word "President," in line 22 of section 3 of the amendment, and insert:

*Provided, however*, That the total cost to the United States of any such building for post-office purposes only, including the site thereof and all approaches thereto, and all fixtures, heating apparatus and appliances, necessary to the completion of such buildings according to the design and specifications therefor, shall in no case exceed \$20,000 at any place where the gross receipts of the post-office during each of the three preceding years shall not have exceeded \$8,000; and at no other place shall it exceed a sum equal to the aggregate of the post-office receipts at such place during the three years preceding, nor \$75,000 in all; and that within such limits the cost of each such building and grounds shall be fixed by the board aforesaid, subject also to the President's approval, in the order making selection of the place; and in so limiting such cost, regard shall be had to population, business, growth in the past, and such other circumstances as will aid judgment in reference to the present and prospective requirements of the post-office service at such locality; and if at any place which said board shall desire to select for such building a greater sum than is here authorized shall in their judgment be required to provide a sufficient building to meet the exigencies of the public service, they shall report the same to Congress with their reasons therefor. But unless specially authorized by Congress, no sum in excess of such limitation so originally fixed by written order in pursuance of the authority hereby conferred shall upon any account or pretext be paid from the Treasury for any of the purposes aforesaid at any place.

THE PRESIDING OFFICER. The question is, will the Senate agree to the amendment of the Senator from Wisconsin, as modified, to the amendment reported by the committee?

Mr. BERRY. Mr. President, if I understand the amendment to the amendment as I heard it read, it proposes to increase the maximum cost of any building from \$35,000, as proposed in the former amendment, to \$75,000 in some cases. I should like to ask the Senator from Wisconsin if he has made any estimate or if he can give the Senate any approximation of the probable cost of all the buildings that this measure will provide for erecting, should it become a law, with the limitation that he has now put on it, to \$75,000.

Mr. VILAS. From the nature of the case, inasmuch as the places at which these buildings shall be located is committed to the discretion of a board for that purpose, and inasmuch as no building can be constructed under this bill until Congress shall hereafter make an appropriation for that purpose, it is impossible to give an estimate. But I think it can be said safely that we shall add nearly 3,000 public buildings in this country at a cost not exceeding one-half what has been expended heretofore on the number of about 142.

Mr. BERRY. I had hoped that the Senator would be able to give some idea of the probable cost. If I understood the Senator from Missouri aright, under the original bill as it was proposed, to construct buildings where the receipts were more than \$3,000 and not exceeding \$8,000, it was estimated that it would cost some \$19,000,000. Under the proposed amendment, offered by the Senator from Wisconsin on Friday, where the cost should not exceed \$35,000, it was then admitted that the cost would not be less than \$25,000,000. Now, the limit has gone from \$35,000 to \$75,000. I would have been glad to have known if this would not increase the amount to at least \$50,000,000 or \$75,000,000.

The Senator from Wisconsin says that no building can be erected unless an appropriation is made, but if this bill becomes a law it commits Congress to the construction of every building that is therein named and specified, and when a number have been built under such appropriations as shall be made from year to year, it would always be claimed that it was equitable and just that a building should be constructed for all other places. It is

useless to say that the bill carries no appropriation with it, when it makes it a law that an appropriation shall be made which, as I said, I do not think will fall below \$50,000,000, and I believe it will go to \$75,000,000.

Mr. PADDOCK. The Senator may not remember the fact or he may not have observed that the other day I presented a statement taken from the records furnished by the Post-Office Department, showing all the offices of the different classes in groups and taking the gross receipts of the same for the three years preceding, the gross receipts of which were above \$3,000 annually, and the entire cost of the construction of all the buildings in the United States on that basis would be about \$52,000,000. It was shown by that statement that in the last two Congresses there had been appropriated something over \$34,000,000 for only 151 buildings now in process of construction in the several States, appropriated for by special acts.

The whole cost of such buildings when they shall have been finished will be \$34,000,000, whereas covering all the post-offices in the United States on the basis indicated of the gross annual receipts for three years the cost would not exceed \$52,000,000. This proposition does not embrace all the offices, and those it does take in it puts at a lower limit of cost in many cases. So I think that the estimate now made is very extravagant. My impression is that under this measure there could not be required appropriations, taking the offices as they stand now, of more than from \$38,000,000 to \$40,000,000, which would run through six, eight, or ten years. The appropriations under special acts during the past four years have averaged about six millions annually. The same average kept up for six to eight years would provide for all of the large number of buildings intended to be provided for by this bill.

Mr. FRYE. Mr. President, I understood that the bill as reported by the Senator from Missouri limited these buildings to the smaller offices, and I understand now that all limitations practically have been removed. Is that true?

Mr. VEST. Yes; offices where the receipts are from \$3,000 up.

Mr. FRYE. I am very much afraid that I shall be obliged for about the first time since the Senator from Arkansas [Mr. BERRY] has been here, to vote with him. I think the bill as reported by the Senator from Missouri answered a very reasonable criticism of the people of the United States that large cities were getting all the benefit and that the country towns were really getting none while bearing their share of the expense, and I was ready to support the bill as reported by the Senator from Missouri, but I do not believe I can support this measure now.

Mr. VEST. Mr. President, as a matter of course I deferred to the judgment of the Senator upon Friday when the limit of \$8,000 was removed and this proposed legislation was applied to offices where the receipts for three years preceding had been \$3,000 and above that amount without limitation as to the higher sum. I still think that we went far enough when we adopted the amendment suggested by the Senator from Kansas [Mr. PERKINS] and put the receipts at \$30,000 a year for three years preceding, which would make \$90,000 of receipts for three years.

As the Senator from Maine [Mr. FRYE] has said, the object of the committee was to popularize as far as possible these post-office buildings. Complaint has been made, and very justly, that the Treasury was being emptied to construct very costly buildings in the large cities; and, as the Senator from Nebraska [Mr. PADDOCK] showed, by an official report from the Post-Office Department, there are 151 buildings in process of construction that cost \$34,000,000. Last year we appropriated \$5,500,000 for public buildings of all sorts, and 35 buildings were the result of that enormous appropriation. Now, if we can get 1,700 or 1,800 post-office buildings throughout the country for a smaller amount, of course it is to be desired, and it is just and equitable in every aspect of the case.

I do not fear at all, with my experience here for the last ten or twelve years, that Congress will ever rush in and appropriate in any one year \$50,000,000 or \$60,000,000 for public buildings. I do not think the Congress can ever be elected here that would do that. This bill is drawn upon the assumption that Congress will from year to year put in the general appropriation bill just the amount that the Treasury can stand and that the public service requires for the purpose of constructing these buildings, and gradually throughout the whole country there will be a dissemination and distribution of the money of the Government in the shape of these buildings.

The Senator from Arkansas [Mr. BERRY] and the Senator from Mississippi [Mr. GEORGE] objected upon Friday to the unequal distribution of these offices, but I should be glad to hear of any basis which would give a more equitable distribution than that provided for in the bill. The distribution is upon receipts. It would not do to put it upon population, because there are small towns in which the postal business largely exceeds that of towns of three and five times their size. Circumstances will

make the postal business of a neighborhood much larger than that of another neighborhood with twice the population.

Since the Senate adjourned on Friday I have secured from the Post-Office Department a statement of the effect of this bill, assuming the limit to be \$30,000, as I hope it will be made by the Senate. This is a statement showing the number of post-offices, arranged by States and Territories, with gross receipts ranging from \$3,000 to \$8,000 per annum for three consecutive years; also the number of offices with gross receipts ranging from \$8,000 and not exceeding \$30,000 per annum for three consecutive years. It is in some respects a remarkable exhibit.

Mr. PERKINS. Will the Senator tell us how many they aggregate?

Mr. VEST. The aggregate of the first class, those from \$3,000 to \$8,000, is 988, and of the second class, I will term it, from \$8,000 to \$30,000, the number is 382, making 1,370 altogether.

The Senator from Arkansas said that this measure was unjust to the agricultural States, but I will call his attention to the fact that the agricultural States are the largest recipients in proportion to population of this legislation in the shape of the number of public buildings.

For instance, Illinois is an agricultural State, and receives 81 buildings where the receipts are from \$3,000 to \$8,000 for three years preceding and 26 where the receipts are from \$8,000 to \$30,000 for three years preceding. Indiana receives 39 of the first or lower class and 18 of the second. Iowa, a strictly agricultural State, receives 59 of the first class and 15 of the second. Kansas, another agricultural State, receives 44 of the first class and 13 of the next; Kentucky 19 to 4, and so on. Massachusetts receives 60 of the first class and 31 of the second, and Michigan, a strictly agricultural State, receives 50 of the first class and 20 of the second. My own State of Missouri has more to complain of than any other State in the Union, because, while it is fifth in population, it receives only 34 post-office buildings in all, 28 of the first class and 6 of the second; but Massachusetts, that has a less population than Missouri, receives, as I have stated, 60 of the first class and 31 of the second.

It is true from this statement that the Southern States receive less than the Northern States, but that arises simply from the fact that there are fewer towns there; that it is a planting country. That condition of things can not be changed by an act of Congress. The basis is the same everywhere, and at last it will be seen that it very nearly approximates to the basis of population; because New York receives more than any other State, Pennsylvania second, Ohio third, Illinois fourth, and Missouri ought to be fifth, but Massachusetts and three or four other States receive more public buildings than Missouri, although the population of Missouri is the largest. I will ask that this statement, which is of interest to all of us, be printed with my remarks.

The PRESIDING OFFICER. It will be so ordered.

The statement referred to is as follows:

*Statement showing number of post-offices, arranged by States and Territories, with gross receipts ranging from \$3,000 to \$8,000 per annum for three consecutive years; also, number of offices with gross receipts ranging from \$8,000 to not exceeding \$30,000 per annum for three consecutive years.*

States and Territories.	Number with receipts \$3,000 to \$8,000.	Number with receipts \$8,000 to \$30,000.
Alabama	8	2
Arizona	2	1
Arkansas	9	2
California	32	10
Colorado	16	4
Connecticut	20	11
Delaware	2	.....
Florida	5	.....
Georgia	11	4
Idaho	.....	.....
Illinois	81	26
Indiana	39	18
Iowa	59	15
Kansas	44	13
Kentucky	19	4
Louisiana	4	1
Maine	14	5
Maryland	8	4
Massachusetts	60	31
Michigan	50	20
Minnesota	22	6
Mississippi	7	3
Missouri	28	6
Montana	6	.....
Nebraska	30	6
Nevada	.....	.....
New Hampshire	15	3
New Jersey	24	16
New Mexico	4	1
New York	87	50
North Carolina	12	3
North Dakota	6	2
Ohio	52	39

Statement showing number of post-offices, etc.—Continued.

States and Territories.	Number with receipts \$3,000 to \$8,000.	Number with receipts \$8,000 to \$30,000.
Oregon	6	1
Pennsylvania	72	35
Rhode Island	3	3
South Carolina	8	1
South Dakota	5	5
Tennessee	12	1
Texas	34	7
Utah	3	1
Vermont	11	4
Virginia	10	2
Washington	5	—
West Virginia	6	—
Wisconsin	35	14
Wyoming	2	2
Total	988	382

ALBERT H. SCOTT,  
Chief Salary and Allowance Division, Post-Office Department.

Mr. VEST. I have here also a communication from the Postmaster-General to Hon. J. H. BANKHEAD, chairman of the Committee on Public Buildings and Grounds of the House of Representatives, which I ask may be read by the Secretary or put in the RECORD. It is a very interesting statement upon this subject and contains information that will be valuable to all of us.

The PRESIDING OFFICER. If there be no objection the letter sent to the desk will be inserted in the RECORD without being read.

The letter referred to is as follows:

POST-OFFICE DEPARTMENT,  
OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., March 3, 1892.

SIR: In compliance with your oral request I have the honor to submit herewith certain detailed information upon the subject of public buildings for post-offices, particularly with reference to the provisions of a bill (H. R. 176) to provide for post-office buildings, introduced by Mr. BLOUNT at the first session of the Fifty-first Congress, and the bills containing almost the same provisions, H. R. 20, introduced January 5, 1892, by Mr. CLARK, and H. R. 88, introduced January 5, 1892, by Mr. LANE.

The general purpose of those bills is to provide for post-office buildings in all places where the gross receipts of the post-office for two years or more shall have exceeded each year the sum of \$3,000.

One of my predecessors, Mr. Vilas, devoted considerable attention to this subject, and made some excellent comments thereon in his report of 1887. He called attention to the circumstance that at that time the average rental of the three hundred and three offices under lease was \$943, and of the remainder provided for by allowances, \$904.41; that the average of all the offices of both sorts was \$857.74 per annum. After adding to this sum the cost of heating and lighting, he pointed out that the annual charge at that time for quarters for post-offices approximated \$1,000,000, which would increase from year to year at the rate of from 3 to 5 per cent. He said that the course of wisdom was to look at once to the fact that already (1887) the charge of nearly sixteen hundred post-offices fairly belonged to the Government, and that within not many years the number must be two thousand, and he asked what ought to be the policy of the Government in dealing with this feature of its postal service; "not how to best avoid by temporary expedients or inaction the exigency of the public service, but in sound forecast and prudence unshaken by timidity how best to provide with human permanence for the great service of the generations that ought to be bettered by our wise action."

I give at greater length in an appendix his further interesting remarks upon the subject.

This subject was fully investigated by the Committee on the Post-Office and Post-Roads of the Fiftyth Congress, and report was submitted by Mr. Ermentrout to accompany bill H. R. 3319. This report concluded with a statement that the passage of this bill would largely relieve the pressure brought to bear on Congress for the erection of public buildings; that the establishment of some system is far preferable to the almost arbitrary methods which have sometimes characterized the passage of public-building bills; that this measure will also repress extravagant appropriations; that the post-office, like the Government, is here to stay, and for this reason, if for no other, it should be kept in some suitable building owned by the Government, and at some permanent place whenever the volume of business justifies it.

The bill H. R. 176 was reported upon by Mr. Chandler, from the Committee on the Post-Office and Post-Roads, in the Fifty-first Congress, first session. This report stated that the committee believed that all the arguments urged in favor of this bill at the last session of Congress are of equal force and weight now. It therefore reported the bill as amended and recommended a favorable consideration of the same.

Briefly stated, these bills provide for the appointment in the Post-Office Department of an architect and superintendent of construction, with certain skilled draftsmen, who shall prepare, in conjunction with the supervising architect of the Treasury, suitable designs for post-office buildings, to be erected at any place, in the discretion of the Postmaster-General, at which the gross receipts of the post-office for two years or more preceding shall have exceeded the sum of \$3,000 in each year. It provides for three classes of buildings, varying in cost according to the amount of the gross receipts, the cost of none of which shall exceed \$25,000, as follows:

1. Where the receipts of each of the two preceding years exceed \$25,000 the cost shall not exceed \$25,000.
2. Where the receipts of each of the two preceding years shall have been no more than \$25,000, the building shall not exceed in cost \$30,000.
3. Where the receipts of each of the two years preceding shall have been no more than \$20,000, the cost shall not exceed \$15,000.

The bill furthermore contains necessary provisions as to acquirement of title, the acceptance of donations or grants of lands by municipalities, etc. At present there are 588 post-offices of the first and second classes whose gross receipts are \$8,000 or more, not located in Government buildings, whereat the aggregate allowance for rent is.... \$461,690.50

In addition there are 1,311 third-class offices in rented quarters, whose receipts for the four quarters ended March 31, 1891, amounted to \$3,000 or more;—the aggregate amount allowed for the rent of these third-class offices is..... \$282,592.00

A total of..... 744,082.50

I transmit herewith as part of the appendix a statement containing a list of 1,707 post-offices not located in Government buildings, whereat the gross receipts run from \$3,000 upward for each of the two fiscal years ended June 30, 1890, and June 30, 1891. This statement also contains as of interest, the actual amount of the gross receipts in each case, the amount of the postmaster's salary, the amount allowed for rent, light, and fuel, and the population of the place according to the census of 1890. An analysis of this statement shows that there are 104 offices whose gross receipts exceeded for each of the two years in question, the sum of \$25,000; that there are 49 offices whose gross receipts were over \$20,000, but did not exceed \$25,000; and that there were 1,554 offices whose gross receipts did not exceed \$20,000 for each of the two years in question.

Applying these figures to the provisions of the bills under discussion it appears that the cost of the post-office buildings, calculated according to this provision, would be as follows:

For 104 buildings, at \$25,000 each	\$2,600,000.00
For 49 buildings, at \$30,000 each	980,000.00
For 1,554 buildings at not exceeding \$15,000 each, which it is roughly estimated may be divided into the following groups:	
500 buildings, at the maximum of cost, \$15,000 each	7,500,000.00
1,054 buildings, at not exceeding \$10,000 each	10,540,000.00
Total	21,620,000.00

In short, therefore, with an outlay of \$21,000,000, every post-office doing a considerable business could be properly housed and a saving accomplished of about three-quarters of a million dollars per annum, that being the sum now paid for rental. The entire expenditure of \$21,000,000 would all be covered by rentals in twenty-nine years, and probably in twenty-five years or less, considering the annual increase of rentals. If interest could be compounded at 6 per cent, it would all come back in from fifteen to seventeen years. The net result of judicious financing in this connection would be the actual ownership by the United States Government of upward of seven hundred substantial buildings, rent free perpetually, by simply advancing from the Treasury the rentals of a few years.

In this connection I have the honor to invite attention to extracts on the same question from various annual reports of this Department, which may be found in the appendix. In the last of these it is shown that in one State alone there are 15 Presidential post-offices that have now or are expecting to have public buildings costing from \$50,000 to \$250,000, or averaging perhaps \$150,000 each, making a total cost of \$2,250,000 for the 15. It seems within the bounds of reason that a building sufficient to meet all requirements could be erected in each of these places for post-office purposes alone at a cost of \$50,000, or a total of \$750,000 for all of them, which would leave a balance of \$1,500,000 to be distributed among the other 125 Presidential offices, giving each a building at the smaller towns to cost on an average of \$12,500. The great need is small buildings wholly for postal purposes, and aside from the needs of the postal service I have stated in my last report some broad public grounds why this measure would be wise and patriotic. These include the employment of skilled labor, the distribution of a considerable sum of money among working people, and the establishment in each town of something for the use of all the people distinctively the Government's, and showing the interest of the Government in her citizens.

You will pardon me if I ask permission here to make some remarks upon the pressing needs of two at least of our large cities. I could not conceive of any subject promising greater usefulness than a thorough inquiry by your committee into the wants in the way of public buildings of New York, the commercial capital, and Washington the governmental capital.

I called particular attention to the needs of the former in my last annual report. The broad facts are that the service has utterly outgrown the New York post-office building, or rather that portion of it which is allotted to the post-office. The building is disadvantageously located for many purposes, being at the extreme lower end of the narrowest part of the city. I suggested a high, one-story building with a gallery, so that the western mails might be expedited and at least two-thirds of the inland mail hastened. The present building or its first floor should be made the chief substation to serve the lower part of the city and to dispatch newspaper and magazine mails.

I have heretofore suggested an inquiry in this kind regarding the needs of Washington, in order to fix upon some wise and far-seeing plan for the erection of public buildings and for the better accommodation of the several Executive Departments.

There have been already introduced this session of Congress and are now pending the following bills: One to erect a hall of records, one for a conservatory of music, and another for the enlargement of the Executive Mansion, and the fourth for the purchase of a site for a building for the Supreme Court of the United States.

The public prints contain from time to time criticisms of the unsafe condition and inadequacy of the present building occupied by the Public Printing Office. The Post-Office Department has for years been endeavoring to secure additional space, as has also the Department of the Interior, so that this would seem to be an opportune time for the suggested inquiry.

The Post-Office Department is paying at the rate of \$41,400 for rent of outside buildings; the Interior Department is expending \$24,800 for the same purpose; the War Department, \$4,200; the Treasury Department, \$3,720, a total for rentals paid for private property in this city alone of \$74,120. This represents the interest on nearly \$2,500,000 at 3 per cent, a sum, I venture to say, fully sufficient to purchase and erect buildings to contain all the required space.

I have never been able to understand the policy which has obtained for a number of years of paying annually from 7 to 10 per cent or more for the rentals of private property by the Government, when the latter can obtain all the funds it requires at 3 per cent.

It would seem to be a proper thing to continue upon a plan to improve the south side of Pennsylvania avenue, making the new city post-office building the initial point, and locating the new buildings in both directions. This thoroughfare, in direct line between the Capitol and the Executive Mansion, might, in time, be lined with noble structures befitting the United States Government, and such a plan would unquestionably subserve not only the convenience of the public, but, in large measure, that of all public men whose business requires frequent visits to the offices in the various Departments.

Without going over again the ground I have covered in the preceding arguments, both before the Committee on Public Buildings and Grounds of the House of Representatives and the corresponding committee of the Senate, I beg now briefly to suggest, in conclusion, that you consider the wisdom of designating a commission on the location and erection of public buildings at the capital of the nation, composed of members suitable in your judgment for the public service to be rendered, to take up these important topics and endeavor to reach a conclusion that shall be the forerunner of definite action.

It was not practicable to compile the information herewith furnished to you in a shorter period of time, because, as you will see, the work involved the scrutiny of the records relating to over 1,700 post-offices.

## ADDENDUM.

It occurs to me to supplement this letter by transmitting certain information which may be useful to your committee in case it should be proposed to limit or modify the provisions of the bill in question. In fact, I believe that in previous discussions some modifications or restrictions have been suggested. To that end I transmit herewith, first, a list of 581 post-offices not located in Government buildings, whereat the gross receipts for each of the two fiscal years 1890 and 1891 were in excess of \$3,000, and whereat the gross receipts for the fiscal year ended June 30, 1891, amounted to \$8,000 or more, with the salary of the postmaster, the present allowance for rent, fuel, and light, and the population according to the census for 1890. This list would be useful in case it were proposed to limit the public buildings to post-offices having gross receipts of \$3,000 or more.

Second. A list of the 988 third-class post-offices, not located in Government buildings, whereat the gross receipts for each of the three fiscal years, ended June 30, 1890, 1890, and 1891, run from \$3,000 to not exceeding \$5,000 with salary of postmaster, the allowance for rent, fuel, and light, and the population according to the census of 1890. The list would be of service in case a proposition should be considered of limiting the public buildings to third-class offices whose gross receipts for three successive fiscal years amounted to \$5,000 or more.

Very respectfully,

JOHN WANAMAKER,  
Postmaster-General.

Hon. J. H. BANKHEAD,  
Chairman Committee on Public Buildings and Grounds,  
House of Representatives.

Mr. VEST. In conclusion, I simply wish to state that I hope the amendment of the Senator from Wisconsin which took off the upper limit, as I may term it, of \$30,000 in the receipts as to the construction of these buildings may be reconsidered and that limitation adopted. Then, after that is done, I recognize the propriety of increasing the probable cost of these buildings, because after you have increased the limit there may be in the larger towns a state of affairs which will necessitate the expenditure of more than \$20,000 even for a post-office building.

Mr. BERRY. Mr. President, I only wish to say a few words in response to what the Senator from Missouri said with reference to my statement and that of the Senator from Mississippi made on Friday last in regard to the discrimination made against agricultural States. I had in my mind especially at that time the Southern States or the cotton States. Taking the estimate that the Senator from Missouri has just had ordered printed in the RECORD, I wish to show that in ten States which may be called cotton States, that is, the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina, and Texas, lacking only one of being one-fourth of all the States of this Union, under the bill would receive 134 of these 1,370 public buildings.

Mr. GEORGE. How many would Mississippi receive?

Mr. BERRY. Mississippi would get 10 under both; that is, 8 under the first enumeration of not less than \$3,000 nor more than \$8,000, and two above \$8,000 and less than \$30,000. There are ten States, as I stated, what may be called the cotton States of this country, which would receive only 134 of the 1,370 buildings. No one will insist that that is a just proportion according to the population of these several States. These States contain by far a much larger proportion of the population than the proportion they would receive of the buildings that are to be constructed under this proposed law. That is one ground upon which I base my opposition.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. BERRY. Certainly.

Mr. GEORGE. I wish to ask the Senator from Arkansas a question. He has stated the number of buildings, as he understands, and the disparity which, as stated by him, would exist if each building cost the same amount. Now, I wish to call his attention to this point: Under the provisions of the bill, what guaranty have we that when you come to expend the money the disparity in the dollars spent would not be greater than that stated by the Senator? I should be glad to call his attention to that point and to have him explain it.

Mr. BERRY. We have no guaranty whatever that the same amount would be expended throughout the States I have mentioned upon each building that would be expended in other States. Upon the contrary, this commission, consisting of the Postmaster-General, the Secretary of the Interior, and the Secretary of the Treasury, might award the sum of \$10,000 to each town in the State of Mississippi and give \$75,000 to a number of towns in other States. It will rest with them. We would have no security. It would require the same logrolling, if you will, before that commission that it has been alleged is required to pass a bill through the Senate.

But it has been said that this is an economical measure. Where does the economy come in? It absolutely provides for buildings in every town where the receipts come within the limits mentioned in the bill; and yet there is no restraint upon Congress in

making, by special bills, appropriations for all other towns that are not included. What would prevent the Congress of the United States from appropriating a million dollars or \$10,000,000 to rebuild the office at Chicago? What would prevent Congress from appropriating hundreds of thousands of dollars to any of the towns not mentioned here, or even in regard to those that are mentioned, they could, by special bill, set aside this bill to that extent and make the appropriation. Where does the economy come in?

It is not a constitutional limitation. Congress can evade it. Congress can spend money by private bills hereafter, and yet this measure binds Congress by a law which says it shall be the duty of the Appropriation Committee from year to year to continue to appropriate until we have appropriated \$75,000,000—\$52,000,000 admitted by the Senator from Nebraska—of the people's money for these buildings, Congress at the same time having the power to make appropriations in unlimited amounts for special towns and cities.

Now, that is the bill which we are told is an economical measure to go out to the people of the United States. It is unjust in discriminating against the States of this Union; it is unjust in the power it confers upon a certain commission; it is unjust in the enormous amount of money that we commit ourselves to appropriate hereafter for public buildings.

Mr. SHERMAN. Mr. President, I do not propose to engage in this debate, but I wish simply to express my opinion in regard to the measure and the pending amendment. It seems to me the committee and the Senators having this matter in charge have commenced at the wrong end of the line. We have in the State of Ohio more than twenty cities containing a population each of over 10,000. Most of them yield to the Government \$20,000 postal receipts. There are, I believe, only six cities in Ohio that have post-offices built by the Government.

It seems to me that the proper way is to commence by supplying the larger centers of population, either measured by the population of the towns or measured by the receipts of the post-office, with suitable buildings for the purpose, rather than to spend money for a great multitude of smaller buildings where the urgency is not so great.

Mr. PERKINS. Will the Senator permit a suggestion? The bill as now amended provides for cities where the gross receipts are \$30,000 a year and that means a city of almost 30,000 people.

Mr. VEST. I beg the Senator's pardon; the bill as amended does not limit it to \$30,000. There is no limit upwards.

Mr. SHERMAN. But the bill does provide for buildings in towns containing how large a population?

Mr. VEST. Where the receipts for three years are \$3,000 a year and upwards without limitation, so as to include all the first and second class.

Mr. SHERMAN. The bill provides for such a multitude of post-office buildings that the Government of the United States is not likely to meet the liability or undertake so great a task at this time. Nor do I think it necessary. My own experience and judgment are that in cities ranging from 1,000 to 10,000 inhabitants the Government can hire buildings, and in some cases buildings are given to the Government gratis in order to make a center of trade in towns containing from 1,000 to 5,000 inhabitants. It seems to me we had better confine our operations at present to the construction of buildings in towns which yield say from \$20,000 to \$30,000 a year, where the actual cost of conducting the business would probably be about equal to 3 per cent on the cost of the building.

Mr. PADDOCK. If the Senator will allow me, I will state that under the proposed amendment to which he calls attention, where the receipts are \$20,000 a year, a building will be constructed that will cost \$60,000, which would be ample. The maximum limit now includes all the places in the Senator's State; and as to the towns where the receipts are \$3,000 a year, I have gone all through the matter, and the result of my investigation is that the average population of those towns would in no case hardly be less than 2,000.

Mr. SHERMAN. That is only stating more quickly than I would do the objections to this bill. It undertakes to do too much. It proposes to build too many offices where it is not proper for the Government of the United States to build them. Then, besides, the Senator will remember that a town of 500 or 1,000 inhabitants to-day the Government might supply with a building which in two years would be totally inadequate.

Mr. PADDOCK. No town of that size can be affected. In order to secure a public building, it must have annual gross receipts to the amount of \$3,000 for three years preceding. That rule runs all the way through the bill, and towns below that limit are not provided for.

Mr. SHERMAN. I am trying to state the same thing that the Senator from Nebraska states, that we are attempting to erect buildings where it is not profitable to the public, in towns

where the receipts are not sufficient to justify it and where the population is not sufficient to justify it. My own observation is that a town of 1,000 inhabitants to-day might in five years contain 5,000 inhabitants. There is one town in Ohio which in 1880 contained four thousand and some inhabitants and to-day it contains over 20,000, and Ohio is getting to be one of the older States. It seems to me we ought to confine our building operations to cities that have a population of not less than 10,000, and I would say whose receipts are not less than \$20,000 a year, so that we should be justified by the magnitude of the business done in expending money in the construction of a building.

It is true the objection may lie that a city of 15,000 inhabitants may in a short time contain 50,000 inhabitants, but that is not so likely to happen as the rapid growth of the smaller towns in the far West. When a town gets to contain a population of 15,000 or 20,000, especially in States east of the Mississippi River, it is not likely to grow so rapidly, and you may utilize the building that has been erected for the post-office.

I think the present system is a faulty one of taking up and providing by single bills for particular towns. It is very unjust. It is unjust to the people of Ohio, and we must always look to our own constituents. As I said before, we have in Ohio but six public buildings constructed by the Government of the United States, with a population of nearly 4,000,000 people, while we have over twenty cities containing more than 10,000 inhabitants, every one of which ought to be supplied with a public building.

Mr. PADDOCK. But they would all be provided for by this bill. That is one of the most essential features of the bill.

Mr. SHERMAN. They are not provided for except that it shall be done along with towns containing 2,500 and 3,000 inhabitants and so on. I think we ought to confine ourselves to the larger towns.

Mr. PADDOCK. Under the past methods all those towns have been left out. For instance, take the appropriations for the last four years for public buildings which are not yet occupied by post-offices. One hundred and fifty-one buildings will have cost when completed something more than \$34,000,000. Now, that \$34,000,000 would cover all the towns which the Senator speaks of equally, fairly, justly, and equitably with the others.

Mr. SHERMAN. That is only the repetition of an argument made here over and over again that is not exactly correct. The post-office buildings in the larger cities are used for a multitude of other offices. In some cases they are used for the courts; in some cases they are used for internal-revenue purposes; in some cases they are used for the customs. In every city in Ohio where there is a public building called the post-office building, in Cincinnati, Cleveland, Toledo, Columbus, Dayton, all of which we call respectively cities containing about 100,000 inhabitants or over, the building is used not only for a post-office, but it is used for the United States courts or used for public offices of a great variety of character. Therefore, it is not right to charge the interest of all the amount of money, \$36,000,000, that has been expended for all these public buildings in the United States to the Post-Office Department. Take the city of Cincinnati.

Mr. PADDOCK. There are very few of those left. Those are buildings which are now occupied, but I spoke of buildings not yet completed, in process of construction.

Mr. SHERMAN. Still, so far as I know, every public building in Ohio that has been erected by the Government of the United States is used not only for the post-office but for all the other national offices.

Mr. PADDOCK. That is true; but if the Senator will go through the list and take the appropriations up to date and take the buildings that have been constructed and those that are in process of construction, he will discover that nearly all of those places are provided for, and there are very few left.

Mr. SHERMAN. I would say this is would be a fair proposition, instead of the proposition of the Senator from Nebraska and the Senator from Missouri: I would make a general law declaring that all places furnishing a revenue of over \$20,000 postal receipts and all cities having a certain population shall have post-office structures built of a size and quality according to their population; and that ought to be done first before any provision is made for minor offices. Minor offices can not be provided for very well. In some cases, as I said, persons owning fine blocks like to have the post-office in their building, and they make sometimes the rent very low, so that the amount of rent paid for the office is not large, and in some great fire-proof buildings it is not more than 1 or 2 per cent of the actual cost of the building.

Therefore I think I shall content myself by simply saying that I shall vote against these various propositions and I shall vote against the bill. If a certain sum of money were appropriated for this purpose, say \$5,000,000 a year, to be expended in a certain class of houses, and particularly in the larger towns that are not now already supplied, and to be continued until all those

containing 10,000 inhabitants are supplied, then I would be perfectly willing to vote for provisions providing for smaller offices. Until then I am disposed to vote against all these propositions and rest content with the present system, by which we scramble with each other for a post-office building in our respective States. It is not a very fair way to do, and it is the way in which the larger States are always left in the background and the smaller States with cities containing 4,000 or 5,000 inhabitants in the West and South are provided with public buildings for post-offices, while in the older States, especially in New York, Ohio, and Pennsylvania, cities containing 20,000 and 30,000 inhabitants have not a post-office building. I think we had better adopt some general rule of that kind and stand by it, and let the executive department determine from time to time which city deserves the expenditure of a portion of the annual appropriation made for these purposes.

Mr. VEST. The Senator from Maine [Mr. FRYE] objects to the bill because the small offices are not entirely provided for. Now the Senator from Ohio [Mr. SHERMAN] objects to it because the larger offices are not entirely provided for. If \$30,000 is adopted as the upper limit it would be just to both classes, to the smaller offices and to the larger offices.

The Senator from Ohio admits that the present system is vicious and wrong. Nobody can defend an appropriation of five and a half million dollars, as we made last year, for 35 public buildings. It is no wonder that the smaller towns and cities in the United States are clamoring against this system. It is worse than the river and harbor bill; it is worse than the pension system; it is the worst grab game ever inaugurated in this Government.

Nobody knows it so well as a Senator who has served upon the Committee on Public Buildings and Grounds. It is a matter of personal solicitation; and as soon as you construct one public building in a town of 10,000 or 15,000 inhabitants in a State every other town in the State demands it as an equitable adjustment and as a matter of right. Where are we to stop in this proceeding? We have spent since the beginning of this Government \$150,000,000 for public buildings, and how many have we? We have 151 now in process of construction and they cost \$34,000,000. Suppose that any private individual should do his business upon a basis like that, what would be thought of him?

The Senator from Ohio speaks about the distribution of these public buildings and of his own State. Under this bill, if \$30,000 be the basis, Ohio would have 52 post-office buildings where the receipts were from \$3,000 to \$8,000 a year for three years preceding, and of those buildings where the receipts are from \$8,000 to \$30,000 a year for three years preceding she would have 29; in other words, Ohio would receive 81 public buildings in proportion not only to the receipts of the offices but to population. This table shows that New York would have more, Pennsylvania next, Ohio third, Illinois fourth, and Missouri ought to be fifth, but Massachusetts comes in as fifth, and there are one or two of the Northwestern States that receive the proportion Missouri should receive. My State gets 34 in all, with a population of two and a half million people. But you must adopt some rule; and when Senators criticize this bill I beg them to give it sufficient attention to suggest some amendment. If they propose to defeat this measure they simply have determined to adhere to the present system, which I say is a perfectly outrageous one in its results.

Mr. PERKINS. Mr. President, I believe that the bill reported by the Senator from Missouri as the representative of the committee is correct in principle and ought to receive the support of the Senate as it is proposed to be amended.

I think, as suggested by the Senator from Missouri, that it is wrong to the smaller but thrifty and growing cities of this country that all the money that is appropriated here for public buildings should be given to the large cities where, perhaps, there is more immediate necessity for it than in the smaller towns, but which are secured in consequence of the pressure that is brought to bear with the committees having charge of the appropriations made for such purpose and to the prejudice of the smaller places.

As has been suggested here, there are 151 buildings in process of erection in the United States, and to erect these we have made an appropriation of \$34,000,000. To provide for the 1,370 buildings that will be authorized under the provisions of this bill, if it becomes a law, will in the aggregate tax the people of the country but a little more than the 151 buildings that are already provided for. The estimate that has been made by the Department and by the Senator from Missouri shows that to secure these 1,370 buildings will cost the people of the United States probably not to exceed \$45,000,000. The Senator from Wisconsin said \$52,000,000. I think his estimate is a very liberal if not an extravagant one.

Mr. PADDOCK. The statement I made was that \$52,000,000 would cover every post-office building in the United States.

Mr. PERKINS. I understood the Senator from Wisconsin to estimate, in answer to an inquiry put to him, that under the provisions of the bill as proposed to be amended the expense might equal \$52,000,000. I think to provide for the 1,370 offices given by the Senator from Missouri would not impose upon the country to exceed \$45,000,000 at the most and probably not over \$40,000,000.

The Senator from Arkansas says that discretion and power are given to a board that might be abused; that some communities might be discriminated against to the prejudice of other communities. I do not anticipate an evil of that kind. I believe that if the tribunal which is named in the bill is given the power and the jurisdiction which are proposed, and they are required to submit a report to the Congress of the United States showing the places that they are proposing and suggest what they propose to expend in these several places they will without doubt act fairly and impartially; in other words, if they submit their report to the discretion and to the consideration of Congress and to public review and to public criticism there is no danger to be apprehended that they will be impartial and that they will be unfair in the performance of the duties that are imposed upon them under the bill.

I believe that the Government of the United States ought to provide its own buildings in towns of 2,500 inhabitants or more. My judgment is that nothing would strengthen the Government more in the respect and affections of the people than for it in the towns and cities of the size suggested to erect and own its own public buildings, and to float above them the flag of our country, the emblem of our nationality. It would take to the people tangible evidence of the fact that there is a government, and would permit the public business of the country to be done in buildings owned by the Government and erected by the Government.

I do not believe in the policy suggested by the Senator from Ohio that the Government ought to go into towns of 3,000, 4,000, and 5,000 inhabitants and put one point in competition with another and see whether the one may not be willing to contribute the use of a building for post-office purposes for nothing in consideration of some supposed advantage. In other words, I do not believe the Government of the United States ought to pass a contribution box or a hat around for any such purpose. The Government of the United States is rich enough and it is strong enough in its resources to provide suitable buildings in all such towns, and under the system that is proposed by the bill no building will be an extravagant one, nor will the appropriations be wasteful or exorbitant. They will only be such as the reasonable necessities of the community require, and it will protect very greatly the committees having charge of this legislation from the importunities that are now precipitated upon them.

It may not be the case to such an extent here, but I know that in the other House there is a very great scramble indeed to get upon the Committee on Public Buildings and Grounds for the reason that those who desire those places are anxious to secure public buildings in their own towns, and when they are favored with appointment upon the committee they go to work to secure buildings at their own immediate homes, and almost all other localities are discriminated against. We ought by suitable legislation to protect Congress and the country against just such practices, and I believe this bill if enacted into law will do it very greatly.

In the aggregate the bill is not going to impose upon the people of the United States or the Government burdens that we can not bear with propriety. As I suggested before, if we own in our cities of three, four, five, six, and seven thousand people the building in which the Government does its business, and we float above that building the flag of the Republic, it gives dignity to the Government, and it brings the Government to the people. My judgment is that no legislation which has been suggested here this session will carry to the people greater benefits or more satisfaction than the bill which is now under consideration.

I can not understand why the Senator from Arkansas should think that this is a discrimination in the interest of the manufacturing States to the prejudice of the agricultural sections of the country. As shown by the Senator from Missouri, it is the agricultural States that get the most of the benefit. Under this bill my own State, as has been recited, would get fifty-seven buildings, and without some legislation of this character the probabilities are that not one of those towns for years would ever get a public building while they will be contributing all the time in taxes to public buildings erected elsewhere. Under the present system all these towns and cities would be ignored and would not get a public building in a century, while under a general and equitable plan, such as is proposed by the provisions of this bill, they will in time secure reasonable and suitable public buildings where the public can be served without extravagance, and in the end

the saving to the Government in rents will pay the cost of their construction and completion.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Wisconsin [Mr. VILAS] to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on agreeing to the amendment reported by the Senator from Missouri [Mr. VEST] from the committee, as amended.

Mr. VEST. I hope the Senator from Wisconsin will agree to put the limit at \$30,000 a year for three years preceding.

Mr. PERKINS. I hope so.

Mr. PADDOCK. That would be right.

Mr. VEST. I refer to his amendment adopted on Friday, which took off the limitation of \$30,000 a year. I think it ought to be confined to that. All legislation must be a compromise. All of us can not be suited in regard to any measure that comes before us. We want to strike the medium, which I believe is the right path, between the buildings of the largest size, which will take care of themselves and have all been taken care of, and the fourth-class post-offices, so as to include those where the receipts are \$3,000 for three years preceding and not exceeding \$30,000 a year for three years preceding.

Mr. VILAS. I will most cheerfully agree to that if it will facilitate the passage of this most excellent measure in the judgment of the Senator from Missouri, representing the Committee on Public Buildings and Grounds.

The VICE-PRESIDENT. The proposed amendment will be stated.

Mr. VILAS. The amendment was adopted by the Senate as in Committee of the Whole, and I suppose it would be necessary to restore the matter in the bill by motion.

Mr. VEST. Reconsider.

Mr. VILAS. Yes, I move to reconsider the vote by which my amendment to the amendment of the committee was agreed to.

The VICE-PRESIDENT. The vote by which the amendment to the amendment was agreed to on Friday last will be regarded as reconsidered, if there be no objection. The Chair hears no objection, and the vote is reconsidered.

Mr. VILAS. I withdraw the amendment to the amendment then, with the permission of the Senate.

The VICE-PRESIDENT. The proposed amendment will be stated.

The CHIEF CLERK. In section 3, line 7, after the word "dollars," strike out the words "and have not exceeded ninety thousand dollars."

Mr. VEST. That language it is desired shall stand. The clause "and have not exceeded ninety thousand dollars" is to remain in the section.

Mr. VILAS. My opinion is that the bill will be a very much more useful bill with that clause out, and that it will have a great tendency to check extravagance in appropriation. It ought to be observed—and I would very much like to direct the attention of the Senator from Ohio to this consideration—that the bill does not so much provide for the erection of public buildings as it provides a system by which the subsequent appropriations by Congress for the erection of such buildings will be under some sort of regulation and control. However, if it will facilitate the passage of this bill, I shall very gladly withdraw the amendment.

The VICE-PRESIDENT. The amendment to the amendment is withdrawn, and the clause which has been read remains in the third section of the amendment of the committee.

Mr. BERRY. I should like to inquire of the Senator now, as he withdraws his amendment to the amendment, what is the limit upon the cost of any one building with the amendment to the amendment withdrawn?

Mr. VILAS. It is not the limitation of cost which has been withdrawn; it is the limitation upon the class of post-offices within which selections may be made.

Mr. BERRY. I understood the Senator to withdraw the amendment to the amendment that he offered to-day.

Mr. VILAS. No, sir; it was the one that was offered on Friday.

Mr. BERRY. And not the one offered to-day?

Mr. VILAS. No, sir; not that one.

Mr. BERRY. So a building may still cost, as amended, to the amount of \$75,000?

Mr. VILAS. Yes, sir; in large cities.

Mr. BERRY. In that respect it is not changed?

Mr. VILAS. That would only be in places where the gross receipts for three years preceding amounted to \$75,000. The limitation now provided by the amendment adopted with the concurrence of the committee and with the concurrence of the Senator from Nebraska [Mr. PADDOCK] and the Senator from Kansas [Mr. PERKINS], who spoke the other day upon the subject,

provides for a graduated limitation where the offices are above the third class, fixing that limitation at an amount equal to the post-office receipts during the three years preceding. Thus as offices which yield \$8,000 a year gross receipts enter the second class, and as the limitation is now placed at \$90,000 as the top limitation of offices of the second class, the lower limitation of that class would be \$24,000 a year. That would be increased as the business of the office increased, and the highest limitation of the highest offices would be \$75,000. Those are in all cases only top limitations below which—not in excess of which, but below which—this board of public construction, with the approval of the President in every case by an order in writing, may assign a lesser limit, if in their judgment the interests of the public require it.

Mr. VEST. I ask for the reading of the third section of the amendment as amended.

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

The Chief Clerk read as follows:

SEC. 3. That the Postmaster-General shall from time to time cause to be constructed buildings, in accordance with said general design and plans hereinbefore mentioned, for the accommodation in towns and cities having no Federal building, of all Presidential post-offices the gross receipts of which for three years preceding shall have exceeded the sum of \$9,000 and have not exceeded \$90,000, said buildings to be fairly distributed among the several States and Territories. The places for the construction thereof to be from time to time selected and designated in writing by the Postmaster-General, Secretary of the Treasury, and Secretary of the Interior, with the approval of the President; but no buildings shall be contracted for or erected in excess of the amounts which may be from time to time appropriated for such purpose by Congress. The proper working drawings and specifications for such buildings shall be prepared in accordance with the general design and plans aforesaid. The material to be used in the construction of any such building shall be determined by the Postmaster-General: *Provided, however,* That the total cost to the United States of any such building for post-office purposes only, including the site thereof and all approaches thereto, and all fixtures, heating apparatus and appliances, necessary to the completion of such building according to the design and specifications therefor, shall in no case exceed \$30,000 at any place where the gross receipts of the post-office during each of the three preceding years shall not have exceeded \$8,000, and at no other place shall it exceed a sum equal to the aggregate of the post-office receipts at such place during the three years preceding, nor \$75,000 in all; and that within such limits the cost of each such building and grounds shall be fixed by the board aforesaid, subject also to the President's approval, in the order making selection of the place, and in so limiting such cost, regard shall be had to population, business, growth in the past, and such other circumstances as will aid judgment in reference to the present and prospective requirements of post-office service at such locality; and if at any place which said board shall desire to select for such building, a greater sum than is here authorized shall in their judgment be required to provide a sufficient building to meet the exigencies of the public service, they shall report the same to Congress with their reasons therefor. But unless specially authorized by Congress, no sum in excess of such limitation so originally fixed by written order in pursuance of the authority hereby conferred, shall upon any account or pretext be paid from the Treasury for any of the purposes aforesaid at any place. All contracts for the construction of such buildings, and for material, fixtures, or apparatus to be used therein, shall be let to the lowest and best bidder, after such advertisements for proposals as the Postmaster-General shall direct, one of which advertisements shall be printed in a newspaper published at the place where such building is intended to be constructed, if any such there be, and if there be none at such place, in some newspaper published nearest thereto.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The VICE-PRESIDENT. If there be no further amendment in Committee of the Whole the bill will be reported to the Senate.

Mr. GEORGE. I propose now to offer an amendment. I will state to the clerks and to the Senate that the amendment as printed was incorrectly printed, and it will be read correctly now.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. It is proposed to add a new section, as follows:

SEC. —. That all expenditures under this act shall be paid for by the issue, in addition to the amount now authorized by law, of legal-tender Treasury notes, which shall be engraved and printed, and be redeemable, and be reissued when taken up in the Treasury, in all respects as now provided by law for legal-tender Treasury notes.

Mr. GEORGE. Mr. President, I desire to say but a word or two in relation to the amendment. In the first place, it is my understanding that the expenditures of the Government are pressing upon the receipts of the Treasury. I understand that to be the fact. I do not want any increase of taxation. I desire to state, as explanatory of my position on that subject, that I do not believe in fiat money. I do not believe the Government can stamp paper and make it a legal tender and issue it in unlimited quantities, and in that way make it good money. In other words, I believe that the promise of the Government to redeem and the capacity of the Government to redeem, or in other words the good faith of the Government in providing for redemption and the ability of the Government to make redemption, are the constituents which make the greenback or legal-tender currency equal to gold and silver.

I want no misunderstanding of my position as to that. I believe, and I shall read the authority of one of the greatest men who ever sat in this body to that effect, that the provisions now made by law for the redemption of legal-tender notes are amply sufficient to redeem and to keep at par not only the small additional sum provided for in my amendment, but double the amount of the greenbacks now in circulation. When I shall have read that to the Senate, being the authority, as I said before, of one of the greatest men who ever sat in this body, I believe I shall have discharged my duty in presenting the reasons why the amendment should be adopted.

On the 29th day of July, 1886, Mr. Beck, then a Senator from Kentucky, said:

I am not going to say anything now about or against the \$100,000,000 reserve: that will not be endangered by the House resolution. I never have believed there was any necessity for \$50,000,000 of reserve; I do not believe it now. It becomes more and more absurd every day to hear about \$100,000,000 guarding greenbacks. I do not believe the credit of this Government would be impaired one penny if we were to-day to take \$50,000,000 or all of that reserve and pay off the 3 per cent bonds with it.

There are now \$346,000,000 of greenbacks, according to Mr. Beck, in whose judgment I think the country on matters of this sort reposes great confidence, certainly I do; and there was no necessity for the retention of more than \$50,000,000, as he calls it, to guard them. He did not regard even that amount as necessary. I will read a little further:

Whatever may have been thought to be prudent in 1879, when the resumption act was an experiment, eight years of experience have shown that the greenback needs no protection.

I admit, and I want the admission to be distinctly understood, that an unlimited amount of greenbacks without provision for their redemption would in the end become a depreciated currency, against which I stand ready to vote at all times.

When we paid off \$50,000,000 of 3 per cent bonds between the 1st day of January and the 1st day of July last, nearly \$40,000,000 of them were paid in greenbacks at the request of the men who held the bonds.

The bonds were payable in gold, and yet when \$50,000,000 were paid, according to Mr. Beck, \$40,000,000 of them were paid in greenbacks at the request of the holders of the bonds; that is, they preferred the greenbacks to the gold.

When the character of money in which our customs dues were paid at the great port of New York during the month of June was looked into it was found that nearly 82 per cent of all the taxes were paid in greenbacks, although the law requires coin, and coin alone, for customs dues.

The greenback money, the legal-tender Treasury notes, had such an established character that the Secretary of the Treasury, although the law required him to collect the duties in coin, felt at liberty to collect 82 per cent of them in greenbacks.

The greenbacks in the Treasury held for the redemption of national bank-notes have been increased in the last five months from \$30,000,000 to \$60,000,000. Everybody wants greenbacks; nobody wants to have them redeemed, so that there is no sense in holding or hoarding gold for their redemption, far less \$100,000,000 that costs us \$5,000,000 of interest annually, as we paid 5 per cent for \$6,000,000 of it, and 4½ per cent for the balance.

There is another statement, that nobody wants greenbacks redeemed. There is a delusion upon that subject in which I do not share; and I want it understood that greenbacks are preferred as currency upon the ground (and no longer would they be preferred unless that ground did exist) that there is both a willingness on the part of the Government to redeem them on presentation in coin and the capacity to do it. I go no further. I want that distinctly understood in the proposition to issue legal-tender greenbacks; that is, to issue them in such amounts and with such provisions for their redemption as will satisfy the public that they will be redeemed when presented for payment. Whenever we go that far and no further, we can, if Mr. Beck was right, always keep the greenbacks in circulation, because the public having the confidence in their redemption prefer to have money equal to coin in the shape of greenbacks to having it in the shape of the coin itself.

We have \$100,000,000 in gold as a fund, as Mr. Beck says, to guard the greenbacks. We have \$346,000,000 of these greenbacks or legal-tender Treasury notes. Mr. Beck says, and he has never been successfully contradicted, that \$50,000,000 is ample to guard the \$346,000,000. If that be so, and he proves it, as I have read in the hearing of the Senate, it is clear that we may increase the volume of greenback currency double the \$346,000,000, and it will remain a safe, sound, redeemable currency equal to coin.

Mr. President, there is a dearth of money in the country, as we all admit, for I understand gentleman who are opposed to the free coinage of silver, of which I am not one, all say that if we can have an international arrangement by which they are assured that silver will be equal in value to gold, then they are in favor of increasing the currency by the free coinage of silver. Nobody so far as I have heard, in the Senate or elsewhere, has asserted the proposition that we have currency enough. The trouble is in getting a currency which will not be depreciated as

compared with coin. Then, whatever may be said about the free coinage of silver as giving us a debased currency, it is certain that under the present guaranties for the redemption of greenbacks an issue of them to an amount very largely exceeding the present issue will result in giving us a currency which the people prefer to gold.

Under these circumstances, I think that when we are going into an expenditure of more money than the ordinary expenditures of the Government, when expenditures are pressing upon receipts, and when the people are in a depressed financial condition, appealing and crying aloud for more circulation and more money, instead of levying more taxes and collecting from them more of their hard earnings we had better make the expenditure in that way which will, in the first place, not increase their burdens, and, in the second place, by an increase in the circulation of money facilitate them in bearing the burdens which they now have.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. SHERMAN. I move that the amendment lie on the table. It is manifestly improper in connection with this bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio that the amendment of the Senator from Mississippi lie on the table.

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

Mr. PALMER. May I ask that the amendment be read. I do not know that I comprehend it fully.

The VICE-PRESIDENT. The amendment will be again read. The CHIEF CLERK. It is proposed to add a new section, as follows:

SEC. —. That all expenditures under this act shall be paid for by the issue, in addition to the amount now authorized by law, of legal-tender Treasury notes, which shall be engraved and printed, and be redeemable and be re-issued when taken up in the Treasury in all respects as now provided by law for legal-tender Treasury notes.

The VICE-PRESIDENT. On the motion to lay the amendment on the table the yeas and nays are demanded.

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

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

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

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], who is detained from the Senate by severe illness. If he were present he would vote "yea" and I should vote "nay."

Mr. PLATT (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] is absent from the Senate, paired with the Senator from Missouri [Mr. COCKRELL], I believe, unless that Senator should be paired with the Senator from Iowa [Mr. ALLISON]. My colleague, if present, would vote "yea" on this motion.

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON]. I assume on this question he would vote "yea," and I therefore take the liberty of voting "yea."

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK]. I do not know how that Senator would vote if present, and therefore withhold my vote.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Colorado [Mr. WOLCOTT].

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. He not being present I withhold my vote.

Mr. RANSOM (when his name was called). I am paired with the senior Senator from Maine [Mr. HALE].

Mr. SHERMAN (when his name was called). I am paired with the Senator from Kentucky [Mr. CARLISLE], but feeling quite assured that he would vote in the affirmative if present, I will so vote, unless some Senator has a doubt about it. I vote "yea."

Mr. WARREN (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. In his absence and not knowing which way he would vote I withhold my vote.

The roll call was concluded.

Mr. DIXON. I am paired on all questions with the Senator from Mississippi [Mr. WALTHALL]. My colleague [Mr. ALDRICH] is absent and is not paired. I transfer that pair to my colleague [Mr. ALDRICH] and I vote "yea."

Mr. ALLEN. I am paired with the Senator from Tennessee [Mr. BATE], and therefore withhold my vote.

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

Mr. WILSON. I did not hear the name of the Senator from Georgia [Mr. COLQUITT] called as having voted.

The VICE-PRESIDENT. He is not recorded.

Mr. WILSON (after voting in the affirmative). He was in the Chamber when I came in, but if he has not voted I shall not vote. I am paired with him, and therefore withdraw my vote.

Mr. HARRIS. Mr. President, in order to make a quorum, and as my vote can not possibly change the result, I shall record my vote notwithstanding my pair. I vote "nay."

Mr. MANDERSON. I understand no quorum has voted. I therefore ask the privilege of voting. I vote "yea."

Mr. WILSON. I understand that a quorum has not yet voted. I therefore vote "yea."

The result was announced—yeas 28, nays 17; as follows:

## YEAS—28.

Carey,	Dolph,	Hoar,	Sawyer,
Casey,	Felton,	Manderson,	Sherman,
Chandler,	Frye,	Paddock,	Squire,
Cullom,	Gallinger,	Palmer,	Stockbridge,
Davis,	Gray,	Perkins,	Vilas,
Dawes,	Hansbrough,	Platt,	White,
Dixon,	Higgins,	Proctor,	Wilson.

## NAYS—17.

Barbour,	Daniel,	Peffer,	Vance,
Berry,	George,	Pettigrew,	Vest.
Call,	Harris,	Pugh,	
Chilton,	Morgan,	Stewart,	
Coke,	Pasco,	Turpie,	

## NOT VOTING—43.

Aldrich,	Colquitt,	Irby,	Ransom,
Allen,	Dubois,	Jones, Ark.	Sanders,
Allison,	Faulkner,	Jones, Nev.	Shoup,
Bate,	Gibson, La.	Kenna,	Stanford,
Blackburn,	Gibson, Md.	Kyle,	Teller,
Blodgett,	Gordon,	McMillan,	Voorhees,
Brice,	Gorman,	McPherson,	Walthall,
Butler,	Hale,	Mitchell,	Warren,
Cameron,	Hawley,	Morrill,	Washburn,
Carlisle,	Hill,	Power,	Wolcott,
Cockrell,	Hiscock,	Quay,	

So the motion to lay the amendment on the table was agreed to.

The VICE-PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

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

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

Mr. BERRY. I ask for the yeas and nays on the passage of the bill.

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

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

Mr. GRAY (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BLODGETT] on this question.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON]. In his absence I withhold my vote.

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE], and therefore withhold my vote.

Mr. PLATT (when his name was called). My colleague [Mr. HAWLEY] is unavoidably absent from the Senate. I understand that he is paired with the Senator from Missouri [Mr. COCKRELL]. If here my colleague would vote "nay," I vote "nay."

Mr. SHERMAN (when his name was called). I am paired with the Senator from Kentucky [Mr. CARLISLE], but he would vote "nay" if present, and I vote "nay."

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. I therefore withhold my vote unless it be necessary to make a quorum.

The roll call was concluded.

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

Mr. BERRY. I was paired with the Senator from Colorado [Mr. TELLER], but I have transferred that pair to the Senator from Kentucky [Mr. CARLISLE]. If the Senator from Colorado were present he would vote "yea" and the Senator from Kentucky would vote "nay." I will let my vote stand "nay."

Mr. FAULKNER. I desire to announce the pair of my colleague [Mr. KENNA] with the Senator from Colorado [Mr. WOLCOTT].

Mr. DIXON. I am paired with the Senator from Mississippi [Mr. WALTHALL].

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY].

The result was announced—yeas 24, nays 21; as follows:

YEAS—24.			
Allen,	Dolph,	Morgan,	Sawyer,
Allison,	Dubois,	Paddock,	Squire,
Blackburn,	Frye,	Peffer,	Stockbridge,
Carey,	Gallinger,	Perkins,	Vest,
Casey,	Hansbrough,	Proctor,	Vilas,
Cullom,	Mandersson,	Sanders,	Warren.
NAYS—21.			
Barbour,	Coke,	Hoar,	Sherman,
Bate,	Daniel,	Palmer,	Stewart,
Berry,	Dawes,	Pasco,	White.
Call,	Felton,	Platt,	
Chandler,	George,	Pugh,	
Chilton,	Hale,	Ransom,	
NOT VOTING—43.			
Aldrich,	Gibson, La.	Jones, Ark.	Shoup,
Blodgett,	Gibson, Md.	Jones, Nev.	Stanford,
Brice,	Gordon,	Kenna,	Teller,
Butler,	Gorman,	Kyle,	Turpie,
Cameron,	Gray,	McMillan,	Vance,
Carlisle,	Harris,	McPherson,	Voorhees,
Cockrell,	Hawley,	Mitchell,	Walthall,
Colquitt,	Higgins,	Morrill,	Washburn,
Davis,	Hill,	Pettigrew,	Wilson,
Dixon,	Hiscock,	Power,	Wolcott.
Faulkner,	Irby,	Quay,	

So the bill was passed.

#### FOOD AND DRUG ADULTERATION.

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

*Resolved*, That 500 copies of S. 1 be printed in document form as it passed the Senate for the use of the Committee on Agriculture and Forestry.

#### WEST VIRGINIA DIRECT TAX

The VICE-PRESIDENT. The Chair lays before the Senate the first special order, being the joint resolution (S. R. 9) to direct the Secretary of the Treasury to pay to the governor of the State of West Virginia the sum appropriated by the act of Congress entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861."

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

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 15, 1892, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate March 14, 1892.*

##### UNITED STATES ATTORNEY.

George P. McLean, of Connecticut, to be attorney of the United States for the district of Connecticut, vice George G. Sill, whose term will expire March 27, 1892.

##### SECRETARY OF LEGATION.

William H. Lawrence, of Bristol, Pa., to be secretary of the legation of the United States at Rio de Janeiro, vice J. Fenner Lee, resigned.

##### PASSED ASSISTANT SURGEON, MARINE HOSPITAL SERVICE.

Assistant Surg. Julius O. Cobb, of South Carolina, to be a passed assistant surgeon in the Marine Hospital Service of the United States.

##### ASSISTANT SURGEON IN THE NAVY.

Charles Perry Bagg, a resident of California, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

##### PROMOTIONS IN THE ARMY.

###### *Subsistence Department.*

Lieut. Col. John P. Hawkins, assistant commissary-general, to be assistant commissary-general with the rank of colonel, March 12, 1892, vice Bell, retired from active service.

Maj. John W. Barriger, commissary of subsistence, to be assistant commissary-general with the rank of lieutenant-colonel, March 12, 1892, vice Hawkins, promoted.

Capt. Charles P. Eagan, commissary of subsistence, to be commissary of subsistence with the rank of major, March 12, 1892, vice Barriger, promoted.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 14, 1892.*

##### CONSUL.

Joseph E. Hayden, of the District of Columbia, to be consul of the United States at Stockholm.

##### COMMISSIONER FOR ALASKA.

William A. Kelly, of Portland, Oregon, to be commissioner in and for the district of Alaska.

##### COLLECTOR OF CUSTOMS.

William R. Remington, of New York, to be collector of customs for the district of Oswegatchie, in the State of New York.

##### UTAH PROBATE JUDGES.

Lars P. Edholm, of Utah Territory, to be judge of probate in the county of Morgan, in the Territory of Utah.

George C. Veile, of Utah Territory, to be judge of probate in the county of Millard, in the Territory of Utah.

Daniel Page, of Utah Territory, to be judge of probate in the county of Iron, in the Territory of Utah.

Isaac Burton, of Utah Territory, to be judge of probate in the county of Uinta, in the Territory of Utah.

James McGarry, of Utah Territory, to be judge of probate in the county of Beaver, in the Territory of Utah.

##### PROMOTION IN THE MARINE CORPS.

First Lieut. Frank L. Denny, United States Marine Corps, to be assistant quartermaster in the Marine Corps.

##### PROMOTION IN THE NAVY.

Assistant Naval Constructor Samuel W. Armistead, a resident of Virginia, to be a naval constructor in the United States Navy.

##### APPOINTMENTS IN THE NAVY.

Thomas S. Jewett, a resident of Missouri, and Frank T. Armes, a resident of Connecticut, to be assistant paymasters in the Navy.

Frederick Francis Sherman, a resident of Massachusetts, and William H. Ironsides Reaney, a resident of Maryland, to be chaplains in the Navy.

#### HOUSE OF REPRESENTATIVES.

MONDAY, March 14, 1892.

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

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

##### CHANGE OF REFERENCE.

Mr. BLAND. I would like a change of reference of a bill that came over from the Senate a few days ago. The bill was referred to the Committee on Private Land Claims; it should have gone to the Committee on Public Lands. It is the bill (S. 1342) for the relief of John R. Blankenship.

The SPEAKER. If there be no objection the Committee on Private Land Claims will be discharged from the further consideration of the bill and it will be referred to the Committee on Public Lands.

There was no objection, and it was so ordered.

##### CHEROKEE OUTLET.

The SPEAKER laid before the House the following message from the President of the United States:

*To the Senate and House of Representatives:*

I transmit herewith for the consideration of Congress a communication of the 5th instant, from the Secretary of the Interior, submitting the agreement by and between the commissioners of the United States and the Cherokee Nation of Indians in the Indian Territory for the cession of certain lands, and other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION, March 9, 1892.

The SPEAKER. The message and accompanying papers will be referred to the Committee on Indian Affairs.

Mr. WASHINGTON. Mr. Speaker, I move that the message and accompanying papers be referred to the Committee on the Territories, instead of the Committee on Indian Affairs, and, as a parliamentary inquiry, would like to know if it is in order to give reasons for asking that reference?

The SPEAKER. The question of reference is not debatable; but by unanimous consent the gentleman might proceed. The Chair having submitted a message from the President desired that it should be referred to the Committee on Indian Affairs. The gentleman from Tennessee moves to refer it to the Committee on the Territories. The question is upon agreeing to the motion.

Mr. BURROWS. What does it relate to?

Mr. WASHINGTON. That is the reason I wish to make a few remarks explaining the reasons for the reference desired.

The SPEAKER. The Clerk will again report the message. The message was again reported.

Mr. WASHINGTON. Now, Mr. Speaker, I would like to ask unanimous consent to make a statement in connection with that reference.

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

Mr. WASHINGTON. This is the treaty negotiated by commissioners appointed by the President to confer with the Cherokee Nation in regard to the disposition of what is known as the Cherokee Outlet. The legislation in regard to the extinguishment of such title as these Indians have to that Outlet originated with the Committee on the Territories, and the ultimate disposition of that land, the Territory to which it shall be attached, and the laws concerning its control should emanate from the Committee on the Territories. The only matter in these papers, in my opinion, which belongs at all to the Committee on Indian Affairs is so much as can be construed to be a part of the negotiation of the treaty with the Indians. It was for the relinquishment of their title, a title which many of us think they never had. But we appointed a commission, and the commission have negotiated an agreement by which we proposed to pay \$1.47 an acre for such title as they have to what is known as the Cherokee Outlet. The legislation concerning that much of the public domain and putting it under some Territorial form of government must come from the Committee on the Territories.

Therefore, I will ask this House, by its vote, to refer this message and papers to the Committee on Territories rather than to the Committee on Indian Affairs.

Mr. HEARD. I desire to ask the gentleman from Tennessee from which committee did the authority come under which these commissioners acted?

Mr. WASHINGTON. I will leave my friend from Missouri [Mr. MANSUR] to answer that question.

Mr. MANSUR. I will answer the question.

Mr. HEMPHILL. If there is to be any discussion I shall have to object.

The SPEAKER. The motion to refer is not debatable, and this can only be done by unanimous consent.

Mr. MANSUR. Mr. Speaker, I can state all I desire in three minutes.

The SPEAKER. Is there objection to the gentleman from Missouri making a statement? [After a pause.] The Chair hears none.

Mr. ALLEN. If there is to be an opportunity to reply to the gentleman, I do not object.

Mr. MANSUR. Originally the Committee on Territories prepared its report for the raising of this commission to treat with the Indians of Oklahoma Territory and to extinguish their title. That came from the Committee on Territories.

In it were elaborate provisions for throwing open the lands for purchase and settlement, giving the terms and the manner, and for keeping the "sooners" out, and all of that, and also for establishing town sites. That bill passed the House and went to the Senate. The Senate refused to pass it, and within forty-eight hours of the conclusion of the second session of the Fiftieth Congress, in this House, certain sections were bodily taken out of the bill creating the Territory of Oklahoma and engrafted in the Indian appropriation bill of that year. This commission has been treating, and they have reported their action, and this message pertains to the treaty with the Indians as to the payment of the moneys.

They have reported in this bill on every account between the Government and the Cherokees from 1818 to the present time. They have reported to set aside other treaties. They have reported in favor of giving a large number of Indian locations upon these lands, and a variety of provisions of that kind. Besides that, experience has shown, as is demonstrated by hundreds of petitions and letters filed in the Committee on Territories, that there is needed for the opening of these lands additional legislation, as safeguards to honesty, to prevent speculators and "sooners" and others who have no right from going in there and depriving the poor man of his land. If time was at my disposal to go into the minutiae of this matter, I could demonstrate these points to the entire satisfaction of the House. Besides that, there is imperative necessity for new legislation in connection with the town-site laws under which these lands are to be thrown open.

Heretofore the Committee on Indian Affairs have taken upon themselves in many respects to decide all these questions that are totally outside of their jurisdiction. Now, in view of the fact that all this legislation originated in the Territorial Committee and that these lands ought to be opened in accordance with proper legislation which can only come from that committee, and, I may add, because of the fact that so far as this tribe are concerned they are no longer Indians, but white men—they

are represented here by white men who proclaim that the amount of Indian blood in their veins is insignificant and that they should be regarded as white—in view of all these facts and for these reasons we have thought that the message ought to go to the Committee on Territories.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] objects to debate and demands the regular order.

Mr. ALLEN. Mr. Speaker, I hope the gentleman from South Carolina will not object to my saying a few words on behalf of the Indian Committee in reply to the gentleman from Missouri.

Mr. HEMPHILL. How much time does the gentleman require?

Mr. ALLEN. Not over three minutes.

Mr. HEMPHILL. I yield to the gentleman from Mississippi, but I give notice that after he has concluded I shall object to any further debate.

Mr. ALLEN. Mr. Speaker, about the only point I gather from the remarks of the gentleman who last addressed the House [Mr. MANSUR] is that, as there is a great deal of important legislation to grow out of this message from the President, therefore the message ought to go to the Committee on Territories.

Now, sir, I do not appreciate exactly the reason why the Committee on Indian Affairs is not as well prepared to take care of important legislation as the Committee on Territories. [Laughter.]

Mr. MANSUR. Simply because they have no jurisdiction. That is all.

Mr. ALLEN. Mr. Speaker, I do not want anything done about this message except what the rules of the House provide for. The Speaker properly, under the rules, referred the message to the Committee on Indian Affairs. Rule XI of the House provides that—

All proposed legislation shall be referred to the committees named in the preceding rules, as follows, viz.

Then in the sixteenth paragraph, under this general head, it is provided, in connection with what I have read, that "subjects relating"—

to the relations of the United States with the Indians and the Indian tribes, including appropriations therefor: [shall go] to the Committee on Indian Affairs.

Now, this is a subject relating to a treaty made with these Indians by the United States, a "relation" between them and the United States, and therefore it comes under this provision. In connection with the legislation which may finally result from that treaty the Committee on Territories may have something to do, but this message refers to that treaty, and therefore it should go to the Committee on Indian Affairs. The seventeenth paragraph of Rule XI provides that subjects relating—

to Territorial legislation, the revision thereof, and affecting Territories or the admission of States: [shall be referred] to the Committee on Territories.

Mr. Speaker, I would not come in here and ask, because there happened to be some Indians in a Territory which was seeking admission as a State, that the Committee on Indian Affairs should have charge of the legislation pertaining to the admission of that State rather than the Committee on Territories; and I think the claim made in relation to this message on behalf of the Committee on Territories is just about as absurd as such a claim would be on my part.

The SPEAKER. The Chair having submitted the message of the President, thought that it should properly go to the Committee on Indian Affairs. The gentleman from Tennessee [Mr. WASHINGTON] moves that the message and accompanying documents be referred to the Committee on Territories. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the motion was rejected.

#### SHOEMAKER VS. THE UNITED STATES.

The SPEAKER laid before the House a communication from the Court of Claims, transmitting a copy of the findings of the court in the case of David Shoemaker vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

#### SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were severally read a first and second time, and referred to the Committee on Interstate and Foreign Commerce:

A bill (S. 2451) authorizing the Secretary of the Treasury to reconvey to Lucius U. Maltby and Louise W. Maltby his wife, Margaret Elizabeth Lucas, and the Sea Girt Land Improvement Company a piece of land selected as a site for the Squan Inlet light station, New Jersey, but found to be unsuitable for the purposes of said station; and

A bill (S. 1646) making Laredo, Tex., a subport of entry.

## SITE FOR GOVERNMENT PRINTING OFFICE.

The SPEAKER also laid before the House a concurrent resolution of the Senate; which was read, as follows:

*Resolved by the Senate (the House of Representatives concurring),* In pursuance of the legislation heretofore taken for the acquisition of a suitable site for a Government Printing Office, that the Committee on Printing, acting jointly with the House Committee, be, and the same are hereby, empowered and instructed to ascertain the most suitable site for that purpose (in the District), looking to the future growth of the country and the growing demands upon the printing establishment, ascertain the fair value of the same, and make report of such investigation and result.

Mr. RICHARDSON. Mr. Speaker, the Committee on Printing of this House has reported favorably a resolution similar to this. I ask that the resolution of the Senate be concurred in, and the House resolution be laid on the table.

Mr. DOCKERY. I understand that this resolution involves only the question of the selection of a site—not any appropriation.

Mr. RICHARDSON. That is all.

There being no objection, the House proceeded to the consideration of the Senate resolution; which was concurred in.

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

Mr. RICHARDSON. I ask unanimous consent that the House resolution on this subject be laid on the table.

There being no objection, it was ordered accordingly.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CHEATHAM, for one week, on account of important business.

To Mr. TAYLOR of Tennessee, for ten days, on account of sickness in his family.

To Mr. HOOKER of Mississippi, for ten days, on account of important business.

To Mr. FORMAN, indefinitely, on account of important business.

## PORT OF DELIVERY AT COUNCIL BLUFFS, IOWA.

Mr. BOWMAN. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill was read, as follows:

*Be it enacted, etc.,* That Council Bluffs, in the State of Iowa, be, and hereby is, established as a port of delivery, in the customs collection district of New Orleans, and that there shall be appointed at said port a surveyor of customs, with compensation of \$600 per annum and the usual fees, for the payment of which compensation an appropriation is hereby made out of any money in the Treasury not otherwise appropriated.

The amendment reported by the Committee on Interstate and Foreign Commerce was read, as follows:

Strike out, at the end of the bill, the words "with compensation of \$600 per annum and the usual fees, for the payment of which compensation an appropriation is hereby made out of any money in the Treasury not otherwise appropriated" and insert "shall be appointed for said port."

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

Mr. HOLMAN. The reading was not distinctly heard. I hope that the bill will be read again.

Mr. OATES. Has this bill been considered by a committee of the House?

The SPEAKER. The bill has been reported, as the Chair understands, by the Committee on Interstate and Foreign Commerce.

Mr. WISE. It is a unanimous report from that committee.

The bill was again read.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. BUCHANAN of New Jersey. I have not objected to the consideration of the bill. I think it ought to be considered; but the question is now upon the adoption of the amendment, which, as I understand from some little attention to the reading, proposes to strike out the words which fix the amount of the salary and make appropriation therefor.

Mr. WISE. I hope the gentleman will allow me to explain.

Mr. BUCHANAN of New Jersey. My objection is not to the bill, but to the amendment.

The SPEAKER. There being no objection to the consideration of the bill, the question is upon agreeing to the amendment reported by the committee.

Mr. WISE. Will the gentleman from New Jersey allow me to make an explanation?

Mr. BUCHANAN of New Jersey. Certainly; I am through.

Mr. WISE. I want but a second to reply to what the gentleman has said. He has remarked that he is opposed to the amendment. I wish to say that the amendment has been recommended by the Treasury Department, because it is unnecessary in this bill to specify the amount of the compensation and to make an appropriation therefor.

Mr. HENDERSON of Iowa. The general law provides for that.

Mr. WISE. The general law covers that matter fully.

Mr. HENDERSON of Iowa. Just as it does in regard to Du-buque and other places.

Mr. BUCHANAN of New Jersey. The explanation is entirely satisfactory.

Mr. BYNUM. I have not heard any reason for the passage of the bill creating this port of delivery. It seems to me that we ought to know more before acting on so important a measure, creating, as this does, a new office and four or five additional ones perhaps. I do not know the necessity for a port of delivery at Council Bluffs, and I shall ask that the report be read in my time.

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

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 128) to provide for the establishment of a port of delivery at Council Bluffs, Iowa, report the same back with the following amendment, and unanimously recommend that, as amended, the bill do pass:

Strike out all after the enacting clause and insert the words—  
"That Council Bluffs, in the State of Iowa, be, and hereby is, established as a port of delivery, in the customs collection district of New Orleans, and that a surveyor of customs shall be appointed for said port."

The bill as amended by the report of the committee meets the approval of the Secretary of the Treasury.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., February 16, 1892.

SIR: At the request of Hon. THOMAS BOWMAN, I have the honor to inform you that I perceive no objection to the passage of House bill No. 128, providing for the establishment of a port of delivery at Council Bluffs, Iowa, if said bill is amended so that it shall read: "That Council Bluffs, in the State of Iowa, be, and hereby is, established as a port of delivery, in the customs collection district of New Orleans, and that a surveyor of customs shall be appointed for said port."

Respectfully yours,

O. L. SPAULDING,  
Acting Secretary.

HON. GEORGE D. WISE,  
Chairman Committee on Interstate and Foreign Commerce,  
House of Representatives.

There being no objection, the bill was considered, the amendment recommended by the committee adopted, and as amended the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

## DABNEY, SIMMONS &amp; CO.

Mr. ANDREW. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 669) for the relief of Dabney, Simmons & Co.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine the claim of Dabney, Simmons & Co., of Boston, Mass., for expenses incurred by them in the retesting of 101 cases of opium condemned by the Government, and to repay to said firm, out of the moneys in the Treasury not otherwise appropriated, the expense of the re-examination of all of said cases which upon such re-examination were found to contain the standard amount of morphia.

Mr. HOLMAN. I ask that the report be read, reserving the right to object.

Mr. ANDREW. Perhaps I can state in a shorter time than the reading of the report the reasons for this bill.

The SPEAKER. The gentleman from Indiana demands the reading of the report.

The report (by Mr. COX of Tennessee) was read, as follows:

The Committee on Claims, having under consideration H. R. 669, find the following facts and law:

In 188- Dabney, Simmons & Co. were importers of drugs, etc. Under the statutes a certain drug (opium) which the firm imported was subject to examination, and this drug, under the law, must contain 9 per cent of morphia. These examiners are officers of the Government, and are authorized to make the inspection. The law further provides that if the importer is dissatisfied he can have another examination, but in order to do this he is required to deposit a sufficiency of money to pay the expenses of retesting. This the claimant did, and on a retesting the first finding was, to a great extent, reversed, most of the opium being found to contain the required per cent of morphia. The amount required to be deposited was \$11 per case to pay the expenses.

This sum went into the Treasury, and claimant insists that the Secretary of the Treasury be ordered and directed to settle with claimant, allowing him \$11 per case that passed on retesting, and pay this sum to claimant.

Your committee, believing this but justice, recommend that the bill do pass.

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

There was no objection.

Mr. BUCHANAN of New Jersey. Mr. Speaker, before the vote is taken on the engrossment and third reading of the bill, I would like to know how many cases of opium were found defective?

Mr. ANDREW. There were, I believe, about one thousand cases in all; and of that number some sixteen or eighteen, I think, were found defective, a very small proportion of the total shipment.

The law requires, as the gentleman is doubtless aware, that opium shall contain not less than 9 per cent of morphia; and either by carelessness, or for some other cause, the examiners

declined to let these cases go through, on the alleged ground that they did not contain the required per cent of morphine. Upon the retest, however, it was found that they not only contained 9 per cent, but a much greater percentage of opium, and were, on the reexamination, allowed to pass. The Government demanded, under the statute, a deposit to pay the expenses of the retest; but there is no way provided by the law for getting the money so deposited out of the Treasury after it is once put in. The Secretary of the Treasury stated that while the money ought to be returned to the parties, he was not authorized to do it, and suggested that the claimants apply to Congress for a special act. This is simply to give back the money originally deposited, about \$900.

Mr. BUCHANAN of New Jersey. Was this all in one shipment?

Mr. ANDREW. All in one shipment; all in one ship. This bill passed last year, I will say, without an objection. I explained it at that time to the House.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. ANDREW the motion to reconsider the last vote was laid upon the table.

#### REPORT OF MAINE FISH COMMISSION.

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent to present now and have printed in the RECORD a memorial from the commissioner of sea and shore fisheries of Maine respecting the fisheries.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

Mr. RICHARDSON. I did not hear the request of the gentleman.

Mr. MILLIKEN. This is simply a request to print in the RECORD a memorial by the commissioner of sea and shore fisheries of the State of Maine.

Mr. RICHARDSON. How much space will it occupy?

Mr. MILLIKEN. Well, it will take up quite a good space, but it contains information very valuable and in which my State is much interested.

Mr. RICHARDSON. That is not very explicit as to the space. Why not have it printed as a document, and not encumber the pages of the RECORD with it?

Mr. MILLIKEN. I can hardly do that. I hope the gentleman will not object.

Mr. RICHARDSON. I will have to do so in the absence of a statement as to how much space it will occupy. I do not think we ought to encumber the RECORD in this way, and I have uniformly made objection heretofore.

The SPEAKER. Objection is made.

#### O. P. COBB AND OTHERS.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1376) referring to the Court of Claims the claims of O. P. Cobb and others.

The bill was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the United States Court of Claims to adjudicate the claims of Oliver P. Cobb, J. & O. P. Cobb & Co., John Christy & Co., and Cobb, Blaisdell & Co., for corn and oats purchased by them in pursuance of written and oral contracts made by them with United States officers, the claimants to be allowed the contract price for the corn and oats purchased by them for the use of the United States Government, deducting therefrom all sums of money paid by the United States on account thereof, and also all sums of money realized by claimants from the sale of the corn and oats that the officers did not receive, waiving the statute of limitations and former judgments in said cases, and report to Congress.*

The Committee on War Claims recommend the adoption of the following amendment:

Strike out all after the word "allowed," at the end of the eighth line, and insert the following: "such sum as the Court of Claims may find upon a full hearing of the evidence adduced in support of said claim to be due to said claimants, and report to Congress."

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

Mr. DINGLEY. Reserving the right to object, I would like to ask if the use of the word "adjudicate" in the bill is to have the effect of a judgment; and if not, why not provide that the court shall simply ascertain the facts and make a report?

Mr. SCOTT. That is the intention of the bill.

Mr. DINGLEY. The word "adjudicate" is a stronger word and means more than simply to ascertain and report the facts. I think there will be no objection if the gentleman substitutes the words "ascertain the facts" for "adjudicate" where it occurs in the bill.

Mr. SCOTT. I will move that amendment.

The SPEAKER. The first question is whether there is objection to the present consideration of the bill?

Mr. BERGEN. I have no particular objection to this bill, but it seems to me that there is no arrangement by which unanimous consents are alternated between the two sides of the House. On that ground I shall object to the consideration of the bill.

The SPEAKER. The gentleman from New Jersey objects.

#### ORDER OF BUSINESS.

Mr. HEMPHILL. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

The roll of the committees was called, when bills of the following titles were severally reported, read a first and second time, and, with the accompanying reports, ordered to be printed, and referred as stated below:

#### COASTING TRADE ON THE GREAT LAKES.

By Mr. LIND, from the Committee on Interstate and Foreign Commerce: A bill (S. 1310) to amend section 3117 of the Revised Statutes of the United States in relation to the coasting trade on the Great Lakes—to the House Calendar.

#### BRIDGE ACROSS THE MISSOURI RIVER AT DE WITT, MO.

By Mr. GEARY, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 250) to authorize the construction of a bridge across the Missouri River, at De Witt, Carroll County, Mo., and to establish it as a post-road—to the House Calendar.

#### THE POSTAL SERVICE.

By Mr. BERGEN, from the Committee on Post-Offices and Post-Roads: A bill (H. R. 6073) to authorize the Postmaster-General to provide mail service, and for other purposes—to the House Calendar.

#### MISSION INDIAN COMMISSION.

By Mr. MCKENNA, from the Committee on Indian Affairs: A bill (H. R. 6076) to authorize the Secretary of the Interior to carry into effect certain recommendations of the Mission Indian Commission and to issue patents for certain lands—to the House Calendar.

#### MARINETTE AND WESTERN RAILROAD COMPANY.

By Mr. LYNCH, from the Committee on Indian Affairs: A bill (H. R. 5133) to grant the Marinette and Western Railroad Company a right of way through the Menomonee Indian Reservation in the State of Wisconsin—to the Committee of the Whole House on the state of the Union.

#### BONDS OF THE STATE OF ARKANSAS.

By Mr. MCRAE, from the Committee on the Public Lands: A bill (H. R. 2631) for the compromise and settlement of the bonds of the State of Arkansas held by the United States—to the Committee of the Whole House on the state of the Union.

#### PUBLIC PARK, STATE OF MINNESOTA.

By Mr. AMERMAN, from the Committee on the Public Lands: A bill (H. R. 222) to grant certain public lands to the State of Minnesota for perpetual use as a public park—to the Committee of the Whole House on the state of the Union.

#### CERTAIN CLAIMS OF THE MILITIA OF MISSOURI.

By Mr. STONE of Kentucky, from the Committee on War Claims: A joint resolution (H. Res. 12) to provide for the settlement of the claims of the officers and enlisted men of the various militia organizations of the State of Missouri for horses and equipments lost while engaged in the military service of the United States—to the Committee of the Whole House on the state of the Union.

#### THE POSTAL SERVICE.

By Mr. WAUGH, from the Committee on the Revision of the Laws: A bill (H. R. 6490) to amend an act entitled "An act establishing post-roads, and for other purposes," approved March 3, 1877—to the Committee of the Whole House on the state of the Union.

#### NATURALIZATION LAWS.

By Mr. OATES, from the Committee on the Judiciary: A bill (H. R. 11) to amend the naturalization laws of the United States—to the House Calendar.

The SPEAKER. This completes the call of the committees for reports. This being the second Monday in the month, if the District of Columbia Committee claim the day the Chair will recognize the gentleman from South Carolina [Mr. HEMPHILL], chairman of that committee.

#### FALSE SWEARING, ETC.

Mr. HEMPHILL. Mr. Speaker, I call up the bill (H. R. 6295) to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc., That hereafter any trial board of the Metropolitan police force and of the fire department of the District of Columbia shall have power to issue subpoenas, attested in the name of the president of the Board of Com-*

missioners of the District of Columbia, to compel before it the attendance of witnesses upon any trial or proceedings authorized by the rules and regulations of the police force.

SEC. 2. That any willful and corrupt false swearing on the part of any witness or person making deposition before any trial board mentioned in the preceding section as to any material fact in any proceedings, under the rules and regulations governing said police force, shall be deemed perjury, and shall be punished in the manner prescribed by law for such offense.

SEC. 3. That if any witness, having been first personally summoned, shall neglect or refuse to appear before any trial board mentioned in the first section of this act, then, on the fact being reported by the major and superintendent of police to one of the justices of the police court, it shall be the duty of that court to compel the attendance of such witness before such trial board in the same manner as witnesses are now compellable to appear before said court: *Provided*, That witnesses subpoenaed to appear before said trial boards, other than those employed by the District of Columbia, shall be entitled to the same fees as are now paid witnesses for attendance before the supreme court of the District of Columbia.

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

On motion of Mr. HEMPHILL, a motion to reconsider the last vote was laid upon the table.

#### ASSESSMENTS OF REAL ESTATE, ETC.

Mr. HEMPHILL. Mr. Speaker, I call up the bill (H. R. 5978) to extend the time for making assessments of real estate, etc.

The bill was read, as follows:

*Be it enacted, etc.*, That the time fixed by section 7 of the act to levy an assessment of real estate in the District of Columbia in the year 1883, and every third year thereafter, approved March 3, 1883, be, and the same is hereby, extended to the 1st day of December, 1892, as to all the real estate in the District of Columbia outside the cities of Washington and Georgetown.

SEC. 2. That the time fixed by section 9 of said act, for the meeting of the board of equalization and review be, and the same is hereby, postponed until the 1st Monday of December, 1892, so far as it refers to that part of the District of Columbia outside of Washington and Georgetown, and the said equalization and review shall be finally completed on or before December 31, 1892.

SEC. 3. That section 4 of the act entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes," approved March 3, 1887, be, and the same is hereby, amended so as to make the whole tax levied under the assessment of that portion of the District of Columbia outside of Washington and Georgetown herein provided for, due and payable on the 1st day of May, 1893, instead of one-half on the 1st day of November, 1892, and one-half on the 1st day of May, 1893, as by existing law: *Provided*, That these amendments shall not extend beyond the fiscal year ending June 30, 1893.

SEC. 4. That the provision that the assessors shall not reduce the aggregate value of the real property below the aggregate value thereof as made and returned by them, contained in section 9 of the act of March 3, 1883, aforesaid, be, and the same is hereby, repealed.

The committee recommended that the bill be amended by striking out, in section 2, line 3, "Monday" and inserting "day," and in section 3, line 5, striking out "eighty-seven" and inserting "seventy-seven."

Mr. HEMPHILL. I yield to the gentleman from Ohio [Mr. JOHNSON].

Mr. DOCKERY. I simply desire to ask the gentleman in charge of the bill the meaning of section 4.

Mr. LIVINGSTON. I desire the gentleman to explain the whole bill. I do not understand it.

Mr. JOHNSON of Ohio. I will answer the gentleman from Missouri [Mr. DOCKERY] first. Section 4 of the bill repeals that part of the law which requires the board of equalization, in equalizing the assessments, not to reduce the amount of any assessment below the amount returned by the assessor. This allows the board of equalization either to reduce or to increase the amount of the assessment, as in their judgment may seem proper.

Mr. DOCKERY. How long has that law been on the statute books?

Mr. JOHNSON of Ohio. Since 1883.

Mr. DOCKERY. The question suggests itself to me whether the effect of this provision might not be to very materially reduce the amount paid by the citizens of the District of Columbia?

Mr. JOHNSON of Ohio. Mr. Speaker, it will not have that effect. A portion of that section is now the law. After the assessors meet and appraise the property the assessment is published. Then these same men meet together and form a board of equalization under the provisions of this law. These men listen to these complaints where the assessments are too high or too low; but in point of fact there is never any complaint of the assessment being too low. The complaint is always that the assessment is too high. But there are sometimes errors made in the footings, and under a provision of this law the error can be corrected.

Now, in the past they have in every single instance reduced the assessment, and in doing so have violated the law. This provision is a wise one, and has proved to be practical. The balance of the bill merely changes the law so far as the assessments for these triennial assessments outside of the cities of Washington and Georgetown are concerned. It is the first assessment under the new law, and gives the board of assessors six months longer in which to assess the outlying property. They have worked very thoroughly up to this time, and have gotten through

with the assessment of Washington and Georgetown, but not with the outlying country; and they desire this additional time.

Mr. LIVINGSTON. Will the liabilities of the citizens be lessened and the liability of the Government be increased by that provision?

Mr. JOHNSON of Ohio. Not the slightest. The same men who make the assessment form the board of equalization. If an error occurs they should be able to correct it; but they are not allowed to increase or lessen the amount of the assessment. The total amount of assessment is ascertained, and then the Commissioners determine what the rate shall be.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

On page 2, line 3, strike out the word "Monday" and insert the word "day."

The amendment was agreed to.

The next amendment reported by the committee was read as follows:

On page 2, section 3, line 5, strike out the words "eighty-seven" and insert the words "seventy-seven."

The amendment was agreed to.

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

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

#### ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. HEMPHILL. I now call up for consideration the bill (H. R. 2786) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.*, That the act giving the sanction and approval of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February 18, 1875, subsequently amended, be, and the same is hereby, amended so as to authorize the said company to lay tracks and run cars thereon from the intersection of its tracks on Sixth street with B street north; along Sixth street to F street north; along F street to Eleventh street west; along and with the line of Eleventh street to B street north; along B street north to its tracks on said B street near Center Market. That in construction of its tracks herein authorized the pattern of the rail used shall be the standard flat grooved rail and approved by the Commissioners of the District of Columbia, and that all rails laid under authority of this act shall be on a level with the surface of the street: *Provided*, That the said company shall commence work within three months and complete the same within six months from the approval of this act.

SEC. 2. That, should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracks shall be used when, on account of the width of the street or for other sufficient reason, it shall be deemed necessary by the Commissioners of the District: and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party and on such notice to the other party as the court may order.

SEC. 3. That Congress may at any time amend, alter, or repeal this act.

Mr. HEMPHILL. I expected to turn this bill over to the gentleman from Missouri, [Mr. HEARD], but as he is not here, I will say that it simply authorizes one of the railroads running on the lower side of the city to make connection with other roads running along F street, over the tracks of those roads, and coming back around again by the market. It meets with no opposition from anybody living along the route or from any of the railroads or from any citizen of the District of Columbia, so far as we are informed. It simply allows the people of the eastern side of the city to get to the western side over tracks that are already in existence; and, so far as my recollection goes, it does not authorize the building of a single foot of track, but only permits this company to use tracks already in existence.

Mr. RICHARDSON. If the gentleman will permit me, I will state that the only track to build is on Ninth street, from F up to G.

Mr. HEMPHILL. Yes, that is true; possibly it is one block.

Mr. BUCHANAN of New Jersey. I would like to know from the gentleman what provision, if any, has been made for allowing transfers?

Mr. HEMPHILL. This is the Anacostia Railroad, and, as the gentleman understands, it comes up to the market. This is to authorize them to come up to F and G streets on Ninth, so as to connect with the Eckington and Soldiers' Home Railroad and the Metropolitan Railroad, and then go back by Ninth street to the market again.

Mr. BUCHANAN of New Jersey. Is there any provision made for exchange of tickets?

Mr. HEMPHILL. Yes, sir.

Mr. BUCHANAN of New Jersey. Is that in the bill?

Mr. HEMPHILL. I do not remember whether there is such provision in the bill.

Mr. BUCHANAN of New Jersey. Do they agree to carry on the whole route for one fare?

Mr. HEMPHILL. For one fare? This bill permits that rail-

road to send its cars over these tracks, so that necessarily they will go for one fare.

Mr. BUCHANAN of New Jersey. No; I do not mean that. I want to know whether there is any provision made for exchanging from one car to another at one fare. Of course, so far as they are carried in the same car over one track they go at one fare. I want to know whether there is any provision in the bill for giving exchanges from one line to the other. It seems to be the disposition of this city to cut the roads up into small sections and allow the companies to charge a fare for each section.

Mr. HEMPHILL. I do not think there is any provision in this bill such as the gentleman speaks of; but the railroads, as I have understood, agree to do so; and if the gentleman desires to insert such a provision I am willing.

Mr. BUCHANAN of New Jersey. I think it would be safest to have it in the enabling act.

The SPEAKER. The Clerk will report the amendment reported by the committee.

The Clerk read as follows:

In page 1, line 7, strike out "to lay tracks and run cars thereon from the intersection of its tracks on Sixth street with B street north; along Sixth street to F street north; along F street to Eleventh street west; along and with the line of Eleventh street to B street north; along B street north to its tracks on said B street, near Center Market," and insert "to lay tracks and switches and run cars as follows: From the intersection of its tracks at Ninth street with B street northwest north on Ninth street to G street northwest over the tracks of the Metropolitan Railway Company; thence west on G street northwest to Eleventh street northwest over the tracks of the Eckington and Soldiers' Home Railway Company; thence south on Eleventh street to E street northwest, and east on E street to Ninth street on the tracks of the Capitol, North O Street and South Washington Railway Company; thence south on Ninth street to B street on the tracks of the Metropolitan Railway Company."

The amendment was agreed to.

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

The amendment was read, as follows:

Change section 3 of the bill to section 4, and insert as section 3 the following: "That these roads shall exchange tickets with other roads where their tracks unite."

The amendment was agreed to.

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

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### COLUMBIA SUBURBAN RAILWAY COMPANY.

Mr. HEMPHILL. Mr. Speaker, I call up the bill (H. R. 429) to incorporate the District of Columbia Suburban Railway Company.

The bill, with the amendments reported by the Committee on the District of Columbia, is as follows:

*Be it enacted, etc.*, That Eppa Hunton, Charles E. Creecy, John T. Mitchell, M. F. Morris, J. W. Denver, L. G. Hine, Gilbert Moyers, S. E. Mudd, Robert A. Howard, W. I. Hill, John W. Childress, J. F. Kenney, and D. W. Glassie, and their associates, successors, and assigns, are hereby created a body corporate by the name, style, and title of "The District of Columbia Suburban Railway Company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal. And said corporation is hereby authorized to construct and lay down a single or double track railway, as may be approved by the Commissioners of the District of Columbia, with the necessary switches, turn-outs, and other mechanical devices, in the District of Columbia, through and along the following routes: Beginning at the dividing line between the District of Columbia and the State of Maryland, on the Bladensburg road, and running thence outside of and along the road to Maryland avenue and Fifteenth street northeast, thence along Maryland avenue to Seventh street east, and thence along Seventh street east to its intersection with Pennsylvania avenue; also beginning at the intersection of said roadway on Maryland avenue at Twelfth street northeast, and running thence northward on Twelfth street east to Boundary street, and thence northward across Boundary street, passing in the vicinity of the National Fair Grounds; thence northward to or in the vicinity of Brookland to a point northeast from the Soldiers' Home: *Provided*, That all of the routes herein mentioned shall be subject to the approval of the Commissioners of the District of Columbia, and that portion of said road between the District line and Fifteenth street east shall be constructed before any part of said road within the city limits shall be occupied or broken for the purpose of said railway. Whenever a permanent system of streets and highways shall have been established and laid out in the suburban portion of the District contiguous to the route of this railroad, said company shall, when required by the Commissioners of the District, cause such changes to be made in the location of its tracks as said Commissioners shall require in order to make the route of said road conform to such streets and highway system. Whenever the route of this road coincides with that of a country road the railway shall be constructed along and outside of such road. Said company shall keep the space between its track and 2 feet outside of its tracks in such condition as may be required by said Commissioners.

Sec. 2. That said company may run public carriages propelled by cable, electric, or other mechanical power, subject to the approval of the said Commissioners; but nothing in this act shall allow the use of steam power or any motor which shall in its operation cause any noise or other disturbance which in the judgment of said Commissioners shall be inimical to the public safety or comfort: *Provided further*, That for the purpose of making a continuous connection the said company shall have the right to cross all streets, avenues, and highways that may be deemed necessary for this purpose: *Provided*, That whenever the foregoing route or routes may coincide with the

route or routes of any duly incorporated street railway company in the District of Columbia the tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which and the regulations under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided*, That this shall not apply to or interfere with any station already established on any existing lines: that said corporation is authorized and empowered to propel its cars over the line of any other road or roads, which may be in the alignment with and upon such streets as may be covered by the route or routes as prescribed in this act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used, such disagreement may be determined summarily upon the application of either road to any court in said District having competent jurisdiction. Whenever more than one of the tracks of said railway shall be constructed on any of the public highways in the District, the width of space between the tracks shall not exceed 4 feet, unless otherwise ordered by the Commissioners of the District of Columbia.

Sec. 3. That said company shall receive a rate of fare not exceeding five cents per passenger for any distance on its route within the District of Columbia, and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the District limits six tickets shall be sold for twenty-five cents.

Sec. 4. That said company shall, on or before the 15th of January of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending on December 31, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by affidavit of the president and secretary of said company, and if said report is not made at the time specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefore; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year 4 per cent of its gross earnings, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof as now provided by law for the sale of other property for taxes; and said 4 per cent of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks shall not be taxed as real estate.

Sec. 5. That the said railway shall be constructed of good materials and in a substantial and durable manner, with the rails of the most approved pattern, to be approved by the Commissioners of the said District, laid upon an even surface with the pavement of the street, and the gauge to correspond with that of other city railways.

Sec. 6. That the said corporation hereby created shall be bound to keep said tracks, and for the space of 2 feet beyond the outer rails thereof, and also the space between the tracks at all times in as good order as the streets and highways through which it passes, subject to the approval of the said Commissioners, without expense to the United States or to the District of Columbia.

Sec. 7. That nothing in this act shall prevent the District of Columbia at any time at its option from altering the grade or otherwise improving all avenues and streets and highways occupied by said road, or from so altering and improving such streets and avenues and highways and the sewerage thereof as may be under its authority and control; and in such event it shall be the duty of said company to change its said railroad so as to conform to such grade as may have been thus established.

Sec. 8. That it shall be lawful for said corporation, its successors or assigns, to make all needful and convenient trenches and excavations in any of said streets, or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid, subject to the approval of the said Commissioners. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground constructions shall be borne by the said railway company.

Sec. 9. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of a cable-motor, electric, pneumatic, or other railroad.

Sec. 10. That it shall not be lawful for said corporation, its successors or assigns, to propel its cars over said railroad, or any part thereof, at a rate of speed exceeding that which may be fixed from time to time by the said Commissioners, and for each violation of this provision said grantees, their successors or assigns, as the case may be, shall be subject to a penalty of \$50, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the said District.

Sec. 11. That the line of said railway company from Bladensburg to Pennsylvania avenue east shall be commenced within six months and completed within eighteen months from the passage of this act, and the branch of the same shall be completed within three years from the passage of this act.

Sec. 12. That said company is hereby authorized to issue its capital stock to an amount not to exceed \$400,000, in shares of \$100 each. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the incorporators the amounts severally subscribed by them, as follows, namely: 10 per cent at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; excepting that 50 per cent shall be paid in within twelve months, and no subscription shall be deemed valid unless the 10 per cent

thereof shall be paid at the time of subscribing as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments, and the person who offers to purchase the least number of shares for the assessments due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

SEC. 13. That within thirty days after the passage of this act the incorporators named in the first section, their associates, successors, or assigns, or a majority of them, or, if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said company and for the receiving subscriptions to the capital stock of the company; *Provided*, That every subscriber shall pay at the time of subscribing 10 per cent of the amount by him subscribed to the treasurer appointed by the incorporators, or his subscription shall be null and void; *Provided further*, That nothing shall be received in payment of the 10 per cent at the time of subscribing except lawful money or certified checks from any established national bank. And when the books of the subscription to the capital stock of said company shall be closed the incorporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy; *Provided*, That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence, or which may hereafter be chartered, and any such consolidation shall of itself operate as a forfeiture of this charter. Nor shall the charter or franchise herein granted be sold or transferred to any company or person until the road shall have been fully constructed.

SEC. 14. That the said company shall place first-class cars on said railways, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, the time-table or schedule of time to be approved by the said Commissioners of the District of Columbia.

SEC. 15. That the company may buy, lease, or construct such passenger rooms, ticket offices, workshops, depots, lands, and buildings as may be necessary, at such points on its line as may be approved by the said Commissioners.

SEC. 16. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

SEC. 17. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice-president, a secretary, and treasurer, who shall give bond with surety to said company in such sum as the said directors may require for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

SEC. 18. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

SEC. 19. That there shall be at least an annual meeting of the stockholders for choice of directors, to be held at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

SEC. 20. That the said company shall have at all times the free and uninterrupted use of the roadway, and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars to said company, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 21. That the said District of Columbia Suburban Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways in a manner to be approved by the Commissioners of the District; *Provided*, That it shall not interrupt the travel of such other railways in such construction.

SEC. 22. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

SEC. 23. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

SEC. 24. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding 100 feet in width, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

Mr. HEMPHILL. I yield to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I shall occupy only a few moments in explanation of this measure. The bill provides mainly for a suburban railroad to run through the suburbs of Washington, which heretofore have been almost inaccessible by

street railroad. The main line will come in from Bladensburg, the old village out to the northeast, and run along into the city by the Bladensburg road, thence along Maryland avenue to Seventh street northeast, thence on that street to a point where it will connect with the line on Pennsylvania avenue southeast. There will be also a branch line out Twelfth street northeast extended to the villages of Brookland and Ivy City, and also from Twelfth street northeast down F street, to connect with the Eckington system. The bill is very carefully guarded. It is mainly in the identical words that have been employed for several years in street-railroad bills which have passed both Houses of Congress. The rights of the people of the District and of the city of Washington have been carefully guarded. The bill, as introduced by me early in the session, was submitted to the Commissioners of the District of Columbia, and a number of changes have been made in it to conform to their suggestions made in the interest of the District.

In every instance your committee have made the modifications suggested by the Commissioners. The same bill, in substance, has passed the House more than once in former sessions, but has failed in the Senate. In one Congress, I think the Fiftieth, it passed the Senate, but failed to be reached on the Calendar in the House. As first drawn the bill provided that this railroad should strike the Pennsylvania avenue line at or near Lincoln Park, but some citizens objected and the route was changed to meet those objections, and at present there is nobody along the proposed line, either in the suburbs or in the city, who makes objection.

On the other hand, at this session as at former sessions, your committee have had numerous petitions from people living outside the city limits, and also from residents of the city, asking for the charter of this road. It will open up and make accessible a number of small suburban villages like Ivy City, Brookland, Bladensburg, and others, the people of which have now no facilities for getting into town, but with this road constructed they can come in at any time for 5 cents.

Mr. OTIS. I wish to ask the gentleman whether for this valuable franchise this company proposes to contribute to the revenues of the District of Columbia in any other way than by taxation as specified in the bill. Do they give anything monthly or annually for the franchise which they are granted?

Mr. RICHARDSON. No; nothing but what is provided in the bill; but the bill provides that the District shall be fully compensated for the franchise. In the first place, this railroad is to be taxed, and, in addition to that taxation, the District treasury is to receive 4 per cent of the entire gross earnings, just as we have provided in regard to other street railroads. The gentleman from Kansas will notice, however, that this bill provides mainly for a suburban railroad, which is not likely to become very rich.

Mr. OTIS. I would ask the gentleman whether he has any objection to adding to the proviso, under section 4, the following:

That from and after said road is in running order and in full operation, its treasury shall pay into the Treasury of the United States the sum of \$200 per month, to be credited to the revenues of the District of Columbia, as compensation for the franchise herein granted.

Mr. RICHARDSON. The gentleman would hardly put that obligation upon this road while no such obligation rests upon the other street railroads in the District. If he will introduce a general bill of that character, and with such provisions, I shall be perfectly willing, so far as I am concerned, to have this road come under its operation if it meets the approval of Congress, but I do not think that this road ought to be singled out and burdened in that way. I am sure the gentleman does not intend to propose that.

Mr. HEARD. I will say for the benefit of the gentleman from Kansas that the Committee on the District of Columbia, of which I have been a member for more than six years, have given attentive thought to the suggestion which he has just made, and the reason they have not incorporated any such provision in this railroad legislation is that they believe that these roads, as soon as they become profitable enough to admit of it, should be made to reduce the fare, so as to benefit the people who travel upon them. The committee think that is better than to require the companies to pay a bonus, because the bonus would be for the benefit of rich and poor alike, while a reduction of fare would benefit chiefly the poorer classes of citizens who ride on street cars. The gentleman will observe that under the present law these railroad companies are obliged to file at the beginning of each session of Congress a detailed statement showing their receipts and expenditures, showing every dollar received, how expended, and for what purposes, so that Congress is in a position to know whether they are doing a profitable business or not. Now, I repeat, it is the judgment of your committee, and I think it has had the sanction of the House on several occasions, that it is better to give the public who travel upon these roads the bene-

fit of reduced fares rather than to compel the companies to pay a bonus into the Treasury.

Mr. SEERLEY. I will ask the gentleman whether such reduction of fare has been made upon any of these railroads, even upon the one that is worth 225 per cent?

Mr. HEARD. I will say to the gentleman that no such reduction has been made, so far as I know, upon any of these roads; but by our legislation during the past four years we have compelled the prosperous roads to which he refers to change their motive power and their equipment at a cost of several million dollars; and as soon as that work is completed and they are again doing a profitable business it will be proper to require that the rates of fare shall be reduced for the benefit of the traveling public.

There is one road, the Anacostia, as to which, when granting an extension of its charter, two years ago, we provided that from the earnings of the road the excess above 10 per cent upon the capital invested should be paid into the treasury of the District of Columbia. The two profitable roads are making extraordinary expenditures, expenditures amounting to several million dollars; and I believe it is the general sense of the committee and the House that as soon as these works of improvement are completed in the public interest, the roads should be required to scale down their rates of passenger transportation so far as they can afford to do so, leaving a fair return of profit on the capital invested.

Mr. KYLE. I observe that at the conclusion of section 4 there is a proviso stating that the tracks of this company shall not be taxed as real estate.

Mr. HEARD. I will say to the gentleman that they are taxed in the stock of the company.

Mr. KYLE. I wish to inquire whether it is intended by this proviso to enact that this company shall not pay an ad valorem tax upon its real estate—that it shall not be taxed as other holders of real estate are taxed? Is it the purpose of this act to exempt the road in any respect from taxation?

Mr. HEARD. It is especially provided that this corporation shall be taxed as individuals are taxed, and as similar corporations are taxed; but it is proposed that the tracks of the company shall not be treated as real estate, because they are taxed in the stock of the company.

Mr. KYLE. But it seems to me the language here is so ambiguous that a different construction might be put upon it.

Mr. HEARD. The aim was to make it perfectly plain.

Mr. RICHARDSON. The language in this case is the same as in the charters of other companies; and it has not caused any trouble heretofore.

Mr. HEARD. This simply declares what shall be regarded as real estate, and all their property is taxed in some form.

Mr. KYLE. One other question, for I have no desire except to get at what is right in this matter. If I understand the statement made here, this railroad company is required to pay into the Treasury 4 per cent of its earnings. Does that mean its net earnings?

Mr. HEARD. Its gross earnings. This is in lieu of personal taxes. It has been provided that all these new roads shall pay this rate of taxation in consideration of their franchise.

Mr. KYLE. It struck me that if taxation is to be paid on the net earnings of the company there might not be any.

Mr. HEARD. That would be a question of bookkeeping, not of earnings, I am afraid. I agree with the gentleman from Mississippi, it would not do to say net earnings.

Mr. RICHARDSON. A number of amendments, mostly formal, have been reported by the committee and read with the bill. I ask that they be voted on in gross.

The SPEAKER. If there be no objection, the amendments reported by the committee will be voted upon in gross.

There was no objection; and the question being taken, the amendments reported by the committee were agreed to.

Mr. RICHARDSON. I send up an amendment recommended by the committee; it merely makes a change in regard to the line out in the little village of Brookland.

The amendment was read, as follows:

Strike out all of lines 48 and 49, page 3, and insert "and along Twelfth street to Philadelphia street, Brookland."

The amendment was agreed to.

Mr. RICHARDSON. I offer another amendment, to follow immediately the amendment just adopted.

The Clerk read as follows:

Insert, after the word "Home," in line 49, page 3, the following:

"Beginning at North Capitol and G streets NW.; thence along G street east to First street NE.; thence south along First street to F street NE.; thence along F street east to Twelfth street NE.; thence along Twelfth street to Boundary street; thence along Twelfth street extended to Mount Olivet road; thence along Mount Olivet road to Corcoran road; thence along Corcoran and Fairview roads to Patterson avenue; thence, by such line as may be authorized by the Commissioners of the District of Columbia, to and along Thirtieth street, Brookland, to Philadelphia street.

"And beginning at Mount Olivet road and Capitol street, Ivy City; thence along Capitol street; thence in line to Lafayette avenue, Cincinnati street, and Twenty-fourth street, to Galveston street."

Mr. BUCHANAN of New Jersey. I would like to know something about the effect of this amendment. Does it simply define the line or does it take in additional territory?

Mr. RICHARDSON. It is simply intended to connect this road with Ivy City, the little village out beyond Brookland. This suburban line is to be connected with the main line extending out Twelfth street extended.

Mr. BUCHANAN of New Jersey. Then, as I understand, it provides for an additional branch outside of the city to Ivy City.

Mr. RICHARDSON. Yes, sir.

The SPEAKER (having put the question on agreeing to the amendment). The ayes seem to have it.

Mr. BAILEY. I believe there is no quorum in the House. I demand a division.

Mr. RICHARDSON. I hope the gentleman will let this amendment pass.

Mr. HEMPHILL. I trust the gentleman will reserve the question of a quorum till we come to the passage of the bill.

Mr. BAILEY. I will say to the gentleman that if this point is made at all it ought to be made when the House first takes a vote without a quorum.

The question being taken, there were—ayes 57, noes 1.

Mr. BAILEY (when voting in the negative). I vote merely to make a quorum. I will do my part toward making a quorum.

The result of the vote was announced as above stated.

Mr. BAILEY. I make the point that no quorum has voted. Tellers were ordered; Mr. RICHARDSON and Mr. BAILEY were appointed.

The House again divided; and the tellers reported—ayes 167, noes 3.

So the amendment was adopted.

Mr. RICHARDSON. I offer the following amendment, which adds a few names to the corporators of the road.

The Clerk read as follows:

Insert, after the name "Glassie," in line 6, the following names: "Harry Barton, T. C. Daniel, Jere Johnson, Philemon W. Chew, G. P. Davis, D. C. Loomis."

The amendment was adopted.

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

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

#### DRAWBACK CERTIFICATES, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Mr. Speaker, the bill (H. R. 4533) for the relief of holders of drawback certificates issued under an act of Congress approved June 2, 1890, is upon the Calendar of the Committee of the Whole, but I think by mistake, inasmuch as it appropriates no money; and if there be no objection, I ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

*Be it enacted etc.*, That the drawback certificates issued under an act of Congress approved June 2, 1890, shall be received in payment of all general taxes due the District of Columbia, in addition to the arrears of taxes for which they are now receivable.

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

The committee recommend the adoption of the following amendment:

After the word "receivable," in line 7, add the words "Provided, That not to exceed one-half the amount of said certificates outstanding shall be so received during the fiscal year to end June 30, 1893, and the amount not then received shall be receivable for current taxes of and during subsequent fiscal years," and that as amended it do pass.

Mr. HEMPHILL. I move to amend the amendment by inserting the word "the" in the eleventh line, so that it will read "and during the subsequent."

The amendment to the amendment was adopted.

Mr. HEMPHILL. I move also to strike out the letter "s" in the word year," in the twelfth line, so that it will read "during the subsequent fiscal year."

The amendment to the amendment was adopted.

The SPEAKER. The question is on agreeing to the amendment as amended.

Mr. HEMPHILL. In explanation of this bill, Mr. Speaker, I will simply state that there were certain payments by way of drawback certificates which were authorized to be used in the payment of arrears of taxes. This bill provides that these drawback certificates may be used for the payment of the current taxes, one-half this year and the balance next year. It meets the approval of the Commissioners; it does not appropriate any money; but simply provides as to the time of payment.

The SPEAKER. The first question is on agreeing to the amendment as amended.

The amendment as amended was adopted.

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

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

PAYMENT OF CERTIFICATE OF INDEBTEDNESS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. The bill (H. R. 6891) authorizing the payment of a certificate of indebtedness of the District of Columbia, numbered 4987, is also on the Calendar of the Committee of the Whole House on the state of the Union, and I ask unanimous consent that it be considered in the House.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the sum of \$107 is hereby appropriated, one-half out of any money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia, for the redemption, with interest, of a certificate of indebtedness, numbered 4987, issued by authority of section 7 of the Legislative Assembly of the District of Columbia, approved June 26, 1873, dated July 1, 1873.

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

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. SAYERS. Mr. Speaker, I will ask the gentleman from South Carolina how it happens that relief has not been applied for in this matter at an earlier date?

Mr. HEMPHILL. I will yield to the gentleman from Virginia [Mr. MEREDITH], who introduced the bill, to answer the question.

Mr. MEREDITH. What is the question of the gentleman from Texas?

Mr. SAYERS. My question is, why has there been so much delay in seeking the relief contemplated by this bill?

Mr. MEREDITH. I will read a communication from the District Commissioners which I think will satisfy the gentleman from Texas.

Mr. SAYERS. A statement of the gentleman will be sufficient.

Mr. MEREDITH. This certificate was issued by the Legislative Assembly of the District of Columbia some years ago, and was received by the holder in payment for work performed for the District. It is what is known as a sewer certificate, and was given to the parties who did the work in payment for the services rendered. They have never been paid, some of them at least, and this bill simply authorizes the District Commissioners to pay the certificate. It is due, and is an honest debt.

Mr. SAYERS. There is no question as to its genuineness?

Mr. MEREDITH. None whatever.

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

On motion of Mr. HEMPHILL, the motion to reconsider the last vote was laid upon the table.

ESTHER A. KEYSER.

Mr. HEMPHILL. Mr. Speaker, I call up the bill (H. R. 3897) for the relief of Esther A. Keyser.

The bill was read, as follows:

*Be it enacted, etc.,* That the Commissioners of the District of Columbia be, and they hereby are, authorized and directed to refund and repay to Esther A. Keyser, out of any moneys standing to the credit of the District of Columbia in the Treasury of the United States not otherwise appropriated, such sum or sums of money as have heretofore been paid by her, or those under or through whom she claims, to the corporation of Washington or its successors, not exceeding \$2,036.61, as the purchase money for lot 3 in square 873, together with all such sums of money as have been paid by her, or those under or through whom she claims, as taxes and assessments upon and against said lot 3 in square 873, with interest on said several sums of money from the date of the payment thereof, said lot 3 in square 873 having been sold by the corporation of Washington to the said Esther A. Keyser, or those under whom she claims, and the said corporation of Washington, and its successors, having failed to make a valid deed and conveyance of said property under the laws authorizing the sale of real estate in the District of Columbia for taxes.

The SPEAKER. Is there an amendment to this bill?

Mr. HEMPHILL. Yes; the amendment is stated in the report of the committee.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding to the bill the following:

"Provided, That the amount paid under this act shall not exceed \$2,036.61."

The amendment was agreed to.

Mr. HEMPHILL. I only desire to say a few words with reference to this bill. The property referred to was purchased by Esther A. Keyser's father at a tax sale. She held it for a number of years and paid the taxes upon it. Subsequently an action was brought by the present holder who ousted her of possession. Under the laws of this District in such a case the money that the purchaser pays at the tax sale, together with the taxes paid during the time the purchaser holds it, must be refunded and the

same amount levied upon the property to be paid by the present owner.

The Commissioners have recognized the justice of this claim, and say that it ought to be paid; but under the appropriation bills that are passed by Congress, as we all know, they are authorized to make no expenditure of money except such as is warranted by Congress. Therefore, this lady must come to Congress for this appropriation. As soon as the money is paid over to her, the Commissioners, under the general law, must levy upon the property itself, and so reimburse the District for that amount; so that we are out nothing in the transaction. She gets what she has lost, and the party who owns the property has to pay.

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

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

COMMISSION MERCHANTS, ETC., DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I ask to call up the bill (S. 1058) to prevent fraudulent transactions on the part of commission merchants and other consignees of goods and other property in the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.,* That if any factor, commission merchant, consignee, or any person selling goods on commission, or the agent, clerk, or servant of such person, shall convert to his own use in the District of Columbia any provisions, fruits, flour, meat, butter, cheese, or any other goods, merchandise, or property, or the proceeds of the same, and shall fail to pay over the avails or proceeds, less his proper charges, within five days after receiving the money or its equivalent from the purchaser or purchasers of said goods or produce, and after demand made therefor by the person entitled to receive the same, or his or her duly authorized agent, he shall be deemed guilty of a misdemeanor, and upon information and conviction in the police court of the District of Columbia shall be fined not more than \$1,000 or be imprisoned not exceeding six months, or both, in the discretion of the court.

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

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

UNLAWFUL USE OF PROPERTY, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Mr. Speaker, I call up the bill (S. 1057) to punish the unlawful appropriation of the use of the property of another in the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.,* That any person or persons, their aiders or abettors, who shall enter, or, being upon the premises of any other person, body corporate or politic, or voluntary association in the District of Columbia, shall, against the will and consent of such person or persons, body politic or corporate, or voluntary association, or their agents, willfully take and carry away any horse, mare, colt, gelding, mule, ass, sheep, hog, ox or cow, or any carriage, wagon, buggy, cart, bicycle, tricycle, or other wheeled vehicle, or any sailboat, rowboat, or other vessel, or any other property whatsoever, or take and carry away out of the custody or use of any person or persons, body corporate or politic, or voluntary association, or their agents, any of the above-enumerated property at whatsoever place the same may be found shall, upon conviction thereof in any court of said District having criminal jurisdiction, be adjudged guilty of a misdemeanor, and shall restore the property so taken and carried away, and be fined not less than five nor more than one hundred dollars, or be imprisoned in the United States jail for said District not more than six months, or be both fined and imprisoned as aforesaid, in the discretion of the court, although it may appear from the evidence that such person or persons, their aiders and abettors, took and carried such property or any portion thereof for their or his present use and not with the intent of permanently appropriating or converting the same.

The SPEAKER. The Chair will call the attention of the gentleman from South Carolina to this phrase in the bill:

And fined not less than five nor more than one hundred dollars.

Mr. HEMPHILL. I move to strike out the words "less than five nor;" so that it will read:

Fined not more than \$100.

Fixing the maximum but not the minimum fine.

The amendment was agreed to.

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

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

BUILDING OF HOUSES ALONG CERTAIN ALLEYS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I desire to call up the bill (H. R. 5119) to prevent the building of houses along certain alleys in the city of Washington, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.,* That from and after the passage of this act it shall be unlawful to erect a dwelling house on any alley within the District of Columbia when said alley is less than 40 feet in width; and no permit for the erection of a dwelling on any alley in said district shall be hereafter granted until said alley shall be extended to the full width of not less than 40 feet its entire length directly through the square, so as to open out onto the streets on opposite sides of the square, and not until provision shall have been made for the sewerage and lighting of said alley and for the extension of the water mains therein.

The bill was ordered to be engrossed and read a third time;

and being engrossed, was accordingly read the third time, and passed.

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

#### ASSESSMENTS, ETC., DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Mr. Speaker, I call up the bill (H. R. 5118) to amend an act making appropriations for the expenses of the government of the District for the fiscal year ending June 30, 1882, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That the paragraph relating to the duties of the assessor, commencing with the fourth line from the bottom of page 460 and ending with and including the eighth line from the top of page 461, of volume 21, United States Statutes at Large, be, and the same is hereby, amended so as to read as follows:

"The books of assessment for the fiscal year ending June 30, 1893, and annually thereafter, shall be prepared by the assessor of the District of Columbia before the 1st day of November of each year, and upon the completion thereof, said assessor shall prepare a statement showing the total amount of the assessment of both real and personal property, and the total amount of taxes to be collected under said assessment; which statement shall be received by the collector of taxes in triplicate, and said collector shall be held responsible under his bond for all such taxes, except such as he may not be able to collect after fully complying with the requirements of law. The original receipt of said assessment and taxes shall be forwarded by the assessor to the First Comptroller of the Treasury, the duplicate to the auditor of the District of Columbia, and the triplicate shall be retained by the collector. Hereafter all tax bills shall be made up under the direction of the assessor of the District of Columbia. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed."

The SPEAKER. Is there any amendment to the bill?

Mr. HEMPHILL. Yes; there is an amendment to the title, in line 5, to strike out the word "ninety-two" and insert the word "eighty-two."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

The Committee on the District of Columbia, to whom was referred House bill 5118, has considered the same, and recommends that it be amended by striking out of the fourth line in the title the word "ninety-two" and inserting "eighty-two." The amendment merely corrects an error of date.

The amendment was agreed to.

Mr. HEMPHILL. I will say that the only effect of this bill is to save the necessity of furnishing duplicate tax ledgers from the assessors, abolishing the present requirement that duplicate tax ledgers shall be prepared by the assessor and turned over to the collector, which involved the employment of a very large force at considerable expense. The bill meets the approval of the Commissioners, and is in the interest of simplicity in the transaction of business.

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

The SPEAKER. The question is on the amendment to the title, which the Clerk will read.

The Clerk read as follows:

Amend title so as to read: "A bill to amend an act entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes,' approved March 3, 1881."

The amendment was agreed to.

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

#### TAX SALES AND TAXES IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now call up for consideration the bill (H. R. 4845) to amend an act entitled "An act relating to tax sales and taxes in the District of Columbia."

The bill was read, as follows:

*Be it enacted, etc.*, That an act entitled "An act relating to tax sales and taxes in the District of Columbia," approved February 6, 1879, be, and the same is hereby, amended so as to read as follows:

"That it shall be the duty of the assessor for the District of Columbia to prepare and keep in his office, for public inspection, a list of all real estate in the District of Columbia heretofore sold, or which may hereafter be sold, for the nonpayment of any general or special tax or assessment levied or assessed upon the same, said list to show the date of sale and for what taxes sold; in whose name assessed at the time of sale; the amount for which the same was sold; when and to whom conveyed if decided, or, if redeemed from said sale, the date of redemption. And it shall be the duty of said assessor, whenever called upon, to furnish, in addition to the regular tax bills, a certified statement, over his hand and official seal, of all taxes and assessments, general and special, that may be due and unpaid at the time of making said certificate; and for each and every certificate so furnished by said assessor, the party requesting the same shall pay into the treasury of said District a fee of 50 cents; and said certificate, when furnished as aforesaid, shall be a bar to the collection and recovery of any tax or assessment omitted from and which, at the date of said certificate, may have been a lien upon the real estate mentioned in said certificate. And it is hereby declared that all public records which have any reference, or in any way relate to real or personal property in said District, shall be open to the public for inspection free of charge.

"All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed."

Mr. HEMPHILL. There is an amendment proposed by the committee.

The amendment was read, as follows:

On page 2, line 24, after the word "furnished," strike out the following: "as

aforesaid, shall be a bar to the collection and recovery of any tax or assessment omitted from and which, at the date of said certificate, may have been a lien upon the real estate," and insert "shall be a bar to the collection and recovery from any subsequent purchaser of any tax or assessment omitted from and which may be a lien upon the real estate mentioned in said certificate, and said lien shall be discharged as to such subsequent purchaser, but shall not affect the liability of the person who owned the property at the time such tax was assessed to pay the same."

The amendment was agreed to.

Mr. HOLMAN. What is the title of that bill?

The SPEAKER. The Clerk will report the title.

The title was again reported.

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

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

#### LAND TITLES IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now call up for consideration the bill (H. R. 6013) to amend the laws relating to land titles in the District of Columbia, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That the term "heirs," or other words of like import, shall not be requisite in any deed or will hereafter made of land in the District of Columbia to convey or create an estate in fee simple, but every grant or devise of land in said District hereafter made shall vest in the grantee or devisee all the interest and estate, legal and equitable, of the grantor or deviser in the premises granted or devised unless an intent to pass a less estate or interest is expressed or necessarily implied.

SEC. 2. That where two or more persons are named as grantees or devisees in any deed or will hereafter made, except when named or taking as trustees, such persons shall be deemed and held to take as tenants in common and not as joint tenants, unless a contrary intent is expressed. Any two or more tenants in common may be joined in any suit or action hereafter brought relating to land held or claimed in common or coparcenary.

SEC. 3. That the recitals in any trustee's deed, executor's deed, guardian's deed, or marshal's deed, recorded in the proper office in said District prior to March 3, 1863, shall, in favor of the parties in possession, actual or constructive, claiming thereunder, be *prima facie* evidence in all courts of law and equity of the facts recited: *Provided*, That the provisions of this section shall not affect pending suits, nor the rights, if any, acquired under existing laws, of any person who, within twenty years next before the passage of this act, shall have asserted on the land records of the District of Columbia any title adverse to the title of any person claiming under such deeds.

SEC. 4. That possession of land in said District heretofore or hereafter obtained without fraud or collusion, and held for ten years by any person and those under whom he claims, either in person or by tenants, with claim of absolute ownership under any instrument recorded among the land records of said District, shall be deemed and taken in all courts of law and equity to vest the possession with a fee-simple title to such land: *Provided*, That no such possession shall bar any person claiming an interest in such land, and being an infant or insane when such possession commenced, or any person claiming at the expiration of such ten years' possession any interest therein as reversioner or remainder-man, from bringing or maintaining any suit or action in respect of such land, if such suit or action be brought in one year from and after the removal of the disability or the termination of the intermediate estate or estates, as the case may be: *And provided further*, That no possession heretofore commenced and having continued for less than twenty years shall be a bar to any suit begun within three years from and after the passage of this act.

SEC. 5. That the possession intended to be protected by the fourth section of this act is actual or constructive, and a purchaser of land for value and without fraud or collusion, or anyone claiming under such purchaser, and to whom the same has been or shall be assessed in the proper office or offices of said District for ten years or more next preceding the passage of this act, and who has, during the period of ten years, and without default for two consecutive years, paid all taxes assessed against said land, not lawfully decided to be illegally assessed, shall be deemed to have constructive possession in the absence of actual possession by an adverse claimant; and to make out the aforesaid period the person in actual or constructive possession may add to the time of his own possession, actual or constructive, the time of the like possession of any preceding possessor or other successive preceding possessor through or under whom he claims. The certificate of the collector of taxes, and which he shall furnish on demand of any party interested, showing the assessment and payment of taxes during the period aforesaid, shall be *prima facie* evidence that the taxes certified as paid were paid by the person in whose name the land is shown by the certificate to have been assessed: *Provided*, That the provisions of this section shall not affect any litigations pending at the date of the passage of this act, or the rights, if any, acquired under existing law, of any person who by any instrument recorded in the office of the recorder of deeds of said District, within the period aforesaid, has set up or asserted an adverse title to such land.

SEC. 6. That when possession has been acquired, and has existed as set forth in the fourth and fifth sections of this act, and the person in possession, actual or constructive, desires to perpetuate record proof thereof, such person may file a bill on the equity side of the supreme court of the District of Columbia, verified by the oath of the complainant, setting forth the fact of such possession, a full description of the land, and the manner in which the complainant, or those under whom the complainant claims, acquired title, and praying the court to decree that the complainant is vested with a fee-simple title to the land described; and if the complainant has any knowledge or information of the existence or whereabouts of any person or persons who, according to the record, might assert an adverse claim to the land, such person or persons shall be made parties defendant, and process shall issue against such person or persons, as provided for by existing law, returnable within the time prescribed by existing law; but if after diligent inquiry the names and residences of any person or persons who might assert any such adverse claim can not be ascertained, that fact shall be stated in the bill; and if, in case of summons issued, the marshal shall make return as to any defendant "not to be found," or if the bill shall state that after diligent inquiry the names and whereabouts of any person or persons who might assert an adverse claim can not be ascertained, an order may issue, as of course, reciting in brief the substance of the bill, and warning all persons interested to appear by a day therein named, which shall not be less than ninety days after the filing of the bill, and show cause against the granting of the relief prayed, a copy of which order shall be published daily, at least once a week for ten successive weeks, in some newspaper printed and published in said District and of general circulation therein, a copy of which order shall be mailed by the clerk of the court, within one week after the return of the

marshal, to all defendants who are returned "not to be found," and whose names and residences are given in the bill, and in such case before any further proceedings in the cause are had the clerk shall sign and file in the cause a certificate of such mailing, and such other notice may be given as the court may prescribe. On proof to the satisfaction of the court of such publication being made, the return of "summoned" as to any defendants named who are found, and such interlocutory orders as the court may deem expedient, evidencemay be taken in such manner and upon such terms as the court may prescribe; and on hearing the bill and proofs the court may by decree declare that the complainant is vested with a fee-simple title to the land in question against every claimant; and when a duly certified copy of such decree is recorded in the office of the recorder of deeds of said District, the record thereof shall be conclusive of the facts declared in and by such decree, subject, nevertheless, to the provisos contained in the fourth section of this act.

SEC. 7. That if in the proceedings aforesaid any person claiming any interest in the premises shall appear and traverse the averments of the bill the court may direct such proceedings to be had and such proofs to be taken as the nature of the case may require; and if upon a final hearing the court shall be satisfied that the complainant is not entitled to the relief prayed the bill shall be dismissed, but without prejudice to the rights of any of the parties in any suit or action thereafter brought to recover possession of the premises in question.

SEC. 8. That any person claiming title to any land in the District of Columbia by descent, or having acquired title from or through any person or persons who claimed the same by descent, may file a petition on the equity side of the supreme court of the District of Columbia, verified by the oath of the petitioner, setting forth the name of the intestate, the date and place of his or her decease, as nearly as can be ascertained, a full description of the land and the manner in which the intestate acquired title to the same, the name or names of the person or persons claiming or who claimed to be the sole or only heir or heirs of the intestate, and the relationship of such person or persons to the intestate, and praying the court to decree that the person or persons so named is or are the sole or only heir or heirs of the intestate; and thereupon an order may issue as of course, setting forth the substance of the petition and warning all persons interested to appear by a day therein to be named, not less than thirty days from the date of filing of such petition, and show cause against the granting of the prayer thereof, a duly certified copy of which order shall be published daily, for twenty days, in some newspaper of general circulation printed and published in said District; and if the intestate was at the date of decease domiciled outside of said District, like publication shall be made in each issue of some newspaper printed or published at the city, town, or county where he or she was so domiciled for the period of at least twenty days.

SEC. 9. That on proof to the satisfaction of the court of publication being made as aforesaid, the court may direct evidence to be taken, by commission or otherwise, in support of the allegations of the petition, and in case of conflicting claims of heirship may direct an issue to be framed, and refer the same to the law side of the court for trial by jury; and on hearing and considering the proceedings the court may pass a decree declaring who were or are the only heirs at law of the intestate; and when a copy of such decree, certified by the clerk under his hand and seal of the court, is recorded in the office of the recorder of deeds of said District, the record thereof shall be conclusive of the facts declared in and by such decree: *Provided*, That such decree shall not be or be deemed a bar to any suit by any person claiming as heir to the intestate, and not named in such decree, who was at the date thereof an infant or insane, if such suit shall be brought within two years from and after the removal of the disability.

SEC. 10. That as to bona fide purchasers and mortgagees, the title to any real estate in said District of which any person shall hereafter die seized and possessed shall not be affected by the lien of any debt or obligation of the decedent not existing of record after the expiration of one year from the date of the death of the decedent, unless within that period notice of writing of the debt or obligation shall have been filed in the office of the register of wills of said District.

SEC. 11. That all laws or parts of laws inconsistent with any of the provisions of this act be, and the same are hereby, repealed.

Mr. WOLVERTON. Mr. Speaker, my attention was only called this morning to the objectionable features of this bill. It seems to me that it is too important a measure to receive hasty consideration by the members of this body. It involves a change of the whole system of acquisition of title to lands in the District of Columbia.

The first and second sections are, perhaps, not objectionable. In several of the States statutes have been enacted providing that where a deed or devise does not contain the word "heirs," unless there is some other provision in the instrument limiting the estate conveyed, the absence of the word "heirs" is not to be construed as a limitation, and when there is evidence that it was the intention of the grantor gathered from other parts of the instrument, to convey a fee-simple title the courts will so construe it. That the mere absence of the word "heirs" will not create a less estate than a fee simple, unless there is some express provision contained in the instrument showing that a less estate was intended by the grantor or testator.

But the third, fourth, and fifth sections show me, upon the hasty consideration I have given them, that they are intended to cover some special case, some hidden purpose, and not for the purpose of providing a general system of land laws for the purpose of quieting title to lands in the District of Columbia. I request the careful attention of members of this body to those three sections.

Section 3 provides—

That the recitals in any trustee's deed, executor's deed, guardian's deed, or marshal's deed—

Shall be prima facie evidence of title in all the courts of law and of equity in favor of parties in possession, actual or constructive. In this latter word lies the whole vice of this bill. It substitutes constructive for actual possession. It also provides—

That the provisions of this section shall not affect pending suits, nor the rights, if any, acquired under existing laws, of any person who, within twenty years next before the passage of this act, shall have asserted on the land

records of the District of Columbia any title adverse to the title of any person claiming under such deeds.

Not upon the land, but upon the "land records" of the District of Columbia.

Any title adverse to the title of any person claiming under such deeds.

It does not except the man who may have lived nineteen years and six months upon the land, and who has kept his flag flying, who has held open, notorious, and hostile possession of the property; such persons only who have asserted title on the land records of this District. The person in actual possession is ignored in this exception, showing that there is underneath the provisions of this section a desire to confer on the holder of a deed from whatever source obtained if recorded advantages over the person in actual occupancy, holding possession by open, notorious, and hostile possession.

Take section 4 in connection with this. You have there the express provision that ten years' constructive possession shall give a person an absolute fee-simple title to land within the District of Columbia. Title acquired by possession or the statute of limitations, under the laws of the District of Columbia to-day, as I understand them, is that there must be open, notorious, and hostile possession for twenty years to give an absolute fee-simple title. Yet this bill provides that constructive possession, that possession which follows the deed of conveyance, shall be sufficient of itself to convey an absolute fee-simple title to the land in question, even against a person in actual possession or occupation of the land.

Mr. BROSIUS. As against occupation?

Mr. WOLVERTON. This constructive possession is made superior as actual against occupation of a man who may have held the ground for nineteen years and nine months.

Mr. BUCHANAN of New Jersey. That is, paper possession is better than actual possession.

Mr. WOLVERTON. As the gentleman from New Jersey says, paper possession is better than actual possession. A man who never put a foot upon the land will have a better standing in court than the man who has now been more than ten years in actual possession.

Mr. BROSIUS. Is that a unanimous report?

Mr. WOLVERTON. It is a unanimous report.

Mr. HEMPHILL. I hope gentlemen will not take the statement of my friend too fully. I think I understand the bill, and I shall in a short time show that it is not half as bad as he makes out. I will show what the effects of the bill will be.

Mr. WOLVERTON. Mr. Speaker, I want members to pay especial attention to section 4, and particularly to the provision at the end of that section, and see whether it does not bear me out in the construction of this act stated—that paper possession and constructive possession for ten years is better than nineteen years and eleven months of actual, open, notorious, hostile possession.

Section 4 is as follows:

SEC. 4. That possession of land in said District heretofore or hereafter obtained without fraud or collusion, and held for ten years by any person and those under whom he claims, either in person or by tenants, with claim of absolute ownership under any instrument recorded among the land records of said District, shall be deemed and taken in all courts of law and equity to vest the possessor with a fee-simple title to such land.

That is, any man who has a claim, or who has a deed upon the land records of the District of Columbia for any piece of ground shall have an actual fee-simple title if he can show that he has held that deed or made that claim for ten years, although he may never have had a moment's actual possession or set a foot upon the property.

Then comes a proviso in regard to minors, fixing a certain time within which suit may be brought, giving an infant, an insane person, a remainderman, or reversioner one year after the removal of his disability to bring suit. Then comes the provision at the end of section 4, and I ask gentlemen to examine it and see whether a true construction does not bear me out. I submit that this provision gives a better title to the man who has a deed or who has constructive possession than the title of the man who has actual possession, even though he may have a house upon the premises and may have occupied it for nineteen years and upwards.

I read the provision:

And provided further, That no possession heretofore commenced and having continued for less than twenty years shall be a bar to any suit begun within three years from and after the passage of this act.

Suppose a man has been in possession of a piece of property for nineteen years, yet if a suit be brought by the one who holds constructive possession as defined in this act within three years from the passage of this act, although by that time the man will in actual possession, have had actual occupancy for twenty-two years, still his actual possession is not to be set up against the paper title or constructive possession under a deed of any character whatever, whether the grantor had title or not. There never was such an act passed by the Legislature of any State.

The report of the committee says that in twenty-seven States there are provisions of law similar to those contained in the first and second sections of this bill, but says nothing about any enactments covering the provisions of the third, fourth, and fifth sections of the bill ever having been enacted anywhere in the United States by any legislative body. I submit there is not a member of this House who can point to any State which has a law on its statute books providing that an actual possession of nineteen years does not confer as good a title as a paper possession or a constructive possession, as here defined, of ten years, and that is just what this bill provides.

Mr. Speaker, there is something hidden beneath the provisions of this bill, judging from the hasty consideration I have been able to give it this morning. Its provisions are too carefully worded and guarded not to cover some hidden purpose not disclosed by the bill. Who can tell what its effect will be upon innocent holders of title by unrecorded title or actual possession.

Section 5 provides—

That the possession intended to be protected by the fourth section of this act is actual or constructive, and a purchaser of land for value and without fraud or collusion, or anyone claiming under such purchaser, and to whom the same has been or shall be assessed in the proper office or offices of said District for ten years or more next preceding the passage of this act, and who has, during the period of ten years, and without default for two consecutive years, paid all taxes assessed against said land, not lawfully decided to be illegally assessed, shall be deemed to have constructive possession.

This defines "constructive possession." It defines it to be the payment of taxes for ten years. Therefore, a man who has some kind of a deed or colorable title, even though invalid in law, and has paid taxes quietly for ten years on a lot of ground in the District of Columbia under this act would have a better title than another man who may have lived upon the lot for any time less than twenty years. That is what this act means by "constructive possession." It may be compared to what is known in land law as colorable title, which extends the actual possession to the boundaries mentioned in the deed. It is not as good as colorable title, because there must be actual possession under colorable title to extend the possession to the boundaries named in the conveyance. Under this act no actual possession of any part of the property is required.

The mere payment of taxes for ten years under any "instrument recorded among the land records" "shall be deemed and taken in all courts of law and equity to vest the possessor with a fee-simple title to such land."

Possessor of what? Not of the land, but of such instrument of writing, "with claim of absolute ownership." What kind of a claim? How asserted? In his own mind? No open ostensible claim is required. It would certainly be a great change in the land law of this District to reduce the term of actual possession from twenty to ten years, but to not only reduce the term from twenty to ten years and substitute the payment of taxes instead of actual possession would create the greatest confusion of titles and might result in the change of titles by legislation which would produce great hardships and injustice to innocent persons. Constructive possession is defined by the terms of the act itself. Then, if you go on to the end of the section you will find this—

Subject, nevertheless, to the provisos contained in the fourth section of this act.

In the fourth section the second proviso is that this constructive possession, which is given by payment of taxes for ten years or by having a deed on record in the land office, shall prevail against actual possession. A bill of this kind, should it become a law, will affect a great many important interests in the District, and should be considered very carefully. I was spoken to about it this morning. The hasty consideration I have been able to give it since the session opened has convinced me that the bill should not pass and will not if properly understood. I am informed that there are many poor men whose homes will be swept from them without notice if this becomes a law; men who are in open, notorious, and hostile possession of small lots of ground which would be taken away from them by the operation of this bill if it should become a law.

The bill, I repeat, should be very carefully considered and scrutinized before it passes this House. There has not been time to give it the examination and careful consideration which it ought to receive, and its further consideration here should be postponed to another day.

There is no more important subject can come before you than acts affecting titles to lands. All such legislation should be carefully considered before acted upon, and I hope further consideration will be postponed to give an opportunity.

Mr. HEMPHILL. Mr. Speaker, I agree with the gentleman who has just taken his seat [Mr. WOLVERTON] to the extent of saying that this is a matter of considerable consequence, and I trust the House of Representatives will carefully consider it. I differ with the gentleman, however, in his construction of this

act. It is very evident that he has not had time to examine it with care or he would not have made the speech that he has made upon this floor. This bill, or one of similar import, was introduced in the last Congress and reported favorably by the Committee on the District of Columbia, but was not considered in the House. It was reintroduced into the present Congress, and was referred to the subcommittee consisting of the gentleman from New York [Mr. FELLOWS], the gentleman from Massachusetts [Mr. COGSWELL], and myself, and was fully considered by them. They gave notice to every one who chose to appear, and lawyers, property owners, and others did appear and argued the matter fully, and the whole question was again argued fully before the whole committee.

There were other amendments adopted by the committee; and after full consideration there is a unanimous report in favor of the bill. I think it can hardly be said that a bill reported unanimously in the last Congress by a committee of which my friend from Vermont [Mr. GROUT] was chairman, and reported unanimously by the committee of the present House after a full hearing—a bill which has the approval of the Commissioners of the District of Columbia, which is strongly indorsed by Mr. Hazleton, the attorney for the District of Columbia, which has the approval of every lawyer of prominence, so far as I know, in this city, can be a job in favor of any particular interest or any particular individual. The truth is, Mr. Speaker, I have never known a bill of as much consequence as this to the people of the District to be as warmly and unanimously supported as this bill is. The only opposition to the bill as made known to the committee, after every opportunity for opponents to be heard, was from some persons who have brought up claims in some instances eighty and one hundred years old, and have undertaken to throw a cloud upon the titles of the rightful owners of certain real estate.

The people who have bought up claims in this way are, I know, objecting to this bill; and one of those gentlemen admitted that when he bought the title of certain persons claiming to be the heirs of an original owner in this District he was not able to say whether those persons were really the heirs, and he has not been willing to go into court and undertake to prove it. I say that such people are not entitled to the same consideration at the hands of any legislative assembly as good honest people who pay their taxes and support the Government.

This bill expressly excludes from the operation of the act every suit now pending in the courts of this District or the courts of the United States; but for fear that cases might be dismissed and parties be compelled to begin proceedings afresh, we have agreed upon an amendment expressly providing that this bill shall not affect for three years after final decree any case involving the title to real estate which is now pending either in the courts of the District or the courts of the United States. That is an amendment which we shall ask the House to adopt.

Now, a word as to the provisions of this bill. The first section simply provides that the grantor in any deed, although he may omit to specify that the grants for himself and his "heirs" shall be construed as conveying the full estate that he has, unless an intent to pass a less interest is expressed or clearly implied. This is the law in twenty-seven States of the Union; and I hardly think it necessary to defend such a provision.

The second section provides that where property is conveyed to two persons, it shall be considered, unless there be proof to the contrary, that the property is held by them as tenants in common, not as joint tenants, the difference being, as every lawyer knows, that in the case of joint tenants there is a right of survivorship.

In an instance, which was brought to the attention of the committee, two brothers bought a piece of property in this District which subsequently became very valuable. The one who first died left a family; the one who last died left no family; yet the collateral heirs of the latter became vested under the existing law with the sole title of this property, although the other brother had done his equal share toward paying for it. I think there is no objection to this provision.

Now as to the third section.

Mr. BROSIUS. If it does not disturb the gentleman, I would like to ask him a question.

Mr. HEMPHILL. I am very glad to answer any questions.

Mr. BROSIUS. One provision of the third section is that the recitals in a trustee's or a guardian's deed shall be *prima facie* evidence in favor of the party in either actual or constructive possession. Now how, would that rule operate in a case where one man is in actual possession and another man in constructive possession?

Mr. HEMPHILL. The courts, as I understand, hold universally that the party in actual possession is entitled to the preference. Where one man is in actual possession and pays taxes there can not be another man in constructive possession. Let me state to the gentleman the object of this provision. Before

the organization of the present courts of this District, the court records were very improperly kept, and a large part of the records of the proceedings of the courts prior to 1863 are now lost. This section simply provides that in the deed of a trustee or guardian or marshal, the recitals shall be *prima facie* evidence of what they state. This evidence is not conclusive as a matter of course. Those recitals are simply *prima facie* evidence in favor of the party actually or constructively in possession of the property.

Mr. BROSIUS. My idea is that one man may be in actual possession of land, while another may have constructive possession. Now, suppose suit is brought by the man in constructive possession, and he produces a deed reciting a conveyance from John Smith to John Jones, which conveyance never in fact existed. Under this bill, if it should become a law, such recital would establish a *prima facie* case in favor of the party in constructive possession as against the party in actual possession.

Mr. HEMPHILL. I want the gentleman from Pennsylvania to understand in the first place that this is only true provided it is a deed from a trustee, executor, guardian, or marshal, and is recorded in the proper office in the District of Columbia prior to the year 1863. Now, it is hardly likely that a piece of property will have a deed recorded against it from 1863 up to 1892 without the party claiming possession having taken some action to clear the title. And I think there is not the slightest danger of such a case arising, for it does not apply to all deeds, but only to those specified in the bill and under the conditions therein specified.

Mr. BROSIUS. But will not my friend from South Carolina agree with me that if a case might occur—if it is possible for a case to occur under the law—ought not the law to provide against such a contingency?

Mr. HEMPHILL. Well, in regard to that—  
Mr. BROSIUS. And allow me one word further, please. How does my friend explain the other difficulty, that in case a suit is brought by one in constructive possession against the man in actual possession, the law providing that a recital in the deed is *prima facie* evidence in either case, and supposing the man in actual possession produces a deed containing a recital also, then the question arises, the recital in which deed should have preference?

Mr. HEMPHILL. That is a question for the court or for the jury to decide.

Mr. FELLOWS. Undoubtedly a question for the construction of the court.

Mr. HEMPHILL. I think the case is very clear. If the gentleman has a deed from a trustee and is in actual possession of the property, and there are certain recitals in that deed, and his deed is on record prior to 1863, and there is in addition a deed from the guardian, and this is also recorded prior to 1863, they are both *prima facie* evidence—

Mr. BROSIUS. But which would overturn the other?  
Mr. HEMPHILL. That is just what I was going to say. A question is then presented for the court and the jury.

Mr. BROSIUS. But the jury could not do it.  
Mr. HEMPHILL. Why?

Mr. BROSIUS. Well, how could the court decide it if the law says that the recital in both deeds is of equal potency and each shows a *prima facie* case? Which deed will constitute a title if both deeds contain the same recital of fact?

Mr. HEMPHILL. If the gentleman is a lawyer of eminence, as I believe him to be, he knows that it often happens that the court has got to cut knots, and when the occasion arises the court will do so.

Mr. BROSIUS. But here is a case where each deed may recite the same state of facts.

Mr. HEMPHILL. But it is hardly likely, and in fact scarcely possible, that each deed would have the same recital, each coming from different sources and through different channels.

Mr. BROSIUS. It might recite a different conveyance. But if the title of the occupant, the actual occupant, would depend on his recital, and the title of the constructive occupant would depend upon the recital in his deed, and without any other evidential fact, how would the court determine as between them?

Mr. HEMPHILL. The difficulty, I think, could scarcely ever arise; but if the gentleman thinks it important to amend the bill I will agree to an amendment providing that in case of actual occupancy the *prima facie* shall be in favor of such person.

Mr. BROSIUS. That would be good as far as that part of the bill is concerned; for it seems to me that there ought to be some modification of the terms of the bill, so that the actual occupant alone would enjoy some advantage over the man claiming ownership.

Mr. HEMPHILL. I have no objection to that.

Mr. CULBERSON. If the gentleman from South Carolina will give me his attention for a moment, I want to ask him to recur to the third section of the bill, lines 4 and 5. As I understand

it now the recitals in the deeds which are described in the bill are not evidence against any person in possession or out of possession, but that the authority of the officer who makes the deed and the recitals he places in the deed must be proven by testimony *alunde* the deed.

Mr. HEMPHILL. Yes.  
Mr. CULBERSON. Now, I suppose this bill is intended to obviate that general principle of law, and in the District of Columbia to set up a standard of testimony unknown in the law of any other portion of the country; that is, to make the recitals in an official deed *prima facie* evidence against the person in active or constructive possession. I submit, if this general principle of law is to be overthrown in the interest of the people living in the District of Columbia, whether they have meritorious claims or not, that it ought not to be changed so as to protect a person who claims constructively. It might perhaps be a mistake to allow the recitals in a deed to be *prima facie* evidence in favor of a person who was in actual possession and who had been in actual and hostile possession of the land for a number of years, claiming title under his deed. But to make it *prima facie* evidence against a person who claims constructively will, I think, work much mischief in this District.

Mr. HEMPHILL. You mean against the person claiming?  
Mr. CULBERSON. Now, I submit that you declare in this bill what constructive possession is, and you narrow very much the ordinary meaning, technically, of constructive possession. Now, in the fifth section of the bill you declare that if any person is in possession of a tract of land or a lot in the District of Columbia, under any kind of a paper title, whether it be a deed or any other paper title, if it has been placed on record, and he has paid taxes on the land for two years, then you make him a constructive possessor of that land.

Mr. HEMPHILL. He must pay taxes for ten years.  
Mr. CULBERSON. Yes; then you declare that his possession shall be considered constructive.

Mr. HEMPHILL. In the absence of actual possession.  
Mr. CULBERSON. He may not have been on the land at all, and he may not have been in fact the owner of the fee; but if he claims under any kind of a paper that is of record in the land office of the District—whether it conveys to him the title or not, if he claims under it and has paid the taxes for ten years, then you call that constructive possession, and you say that a man who thus holds land shall invoke, as a *prima facie* case, the recitals of an official deed to be true. I submit that that carries the doctrine a little too far in my opinion, and that this harsh rule, which may be necessary to settle titles here, ought not to be enacted so as to operate in favor of persons who have not the actual possession of the land.

Mr. HEMPHILL. I would like to call the attention of the gentleman to the fact that this section does not say "any man who pays taxes," and so forth; but it must be a man who claims title under a deed, and it is only given provided he pays taxes for ten consecutive years, in the absence of actual possession by an adverse claimant.

Mr. CULBERSON. I understand that.  
Mr. HEMPHILL. Suppose there is a man who claims title, but for ten years he does not pay taxes on the land and does not claim adversely and takes no steps to assert his title. The committee think the man who has paid the taxes for ten years is entitled to this much; that is, that the recitals in his deed shall be *prima facie* evidence.

Mr. CULBERSON. I only call attention to that to see what you meant by constructive possession in the third section; and if you will pardon me one other suggestion—because I do not want to take the floor—if I understand this fifth section, you provide that whenever a person shall claim title to land for ten years and pay taxes upon it during that time he shall have in law a fee-simple title.

Mr. FELLOWS. If he claims under some instrument of record.  
Mr. CULBERSON. Some instrument that has been filed in the land office records of the District.

Mr. HEMPHILL. Recorded.  
Mr. CULBERSON. Whether it be, deed or any other kind of a paper, you do not describe it at all. Now, I think you will not find in any State of this Union a case where you can fortify a void title or a voidable title by invoking any such claim. The party, in all of the States to which my observation extends, must be in possession of the land, making hostile claim against the world, asserting his title as owner of the land; and if he has been for a certain length of time—ten years in some States, five years in other States—then all other persons in favor of whom there may be no disability statute would be barred.

But here I think you overturn the rules that have been recognized in this country, time out of mind, that whenever you seek to quiet a title to land in any person, you must invoke his possession, *possessio pedes*, of the land, because that is notice to

the world that he claims it, that it is his; and adverse claimants should take notice of it and bring their suits; but if he is not in possession, if he is not giving notice to the world that he claims it, he ought not to take a snap judgment by standing upon a paper that may be filed in the records of the land office.

Mr. HEMPHILL. Mr. Speaker, I think my friend is a little harsh in using the term "snap judgment." I do not think a man is likely to take a snap judgment against a party when he has a title of record, when he pays taxes for ten years, and when the other party does not do it; and then the party must be brought into court before anything more can be done.

I wish to yield to the gentleman from New York [Mr. FELLOWS], who is also familiar with the provisions of this bill.

Mr. FELLOWS. Mr. Speaker, in order to a clear comprehension of this bill it would be necessary that the House should know something of the mischief which the bill is intended to remedy. It is quite true, as has been said by the gentleman who has just resumed his seat, that in the States the attitude of the law with respect to titles to land is well established. There is an orderly procedure which is the outgrowth and result of years of legislation; but in the District of Columbia titles are held by an altogether different and uncertain tenure. They have been derived from different conditions.

There have been conflicting, adverse, and rival laws under which these claims to the possession of property within the District of Columbia have grown up, very many of them by virtue of decrees of the chancery court of Maryland, inoperative since 1801, when lands possessed no real value within this District, but were waste and idle lands. The people did not covet and did not seek to claim possession until improvement, enhanced value, prosperity, and growth made land titles a subject of greater consideration here. What we desire to do by this bill is to establish a rule of procedure precisely as we have in the States of the Union. Now, we can not fix upon the rule in any given State, for the rules in relation to titles of lands differ in many States, and are as varied as the number of the States of the Union themselves. We wish to establish what every State in the United States and what every Territory has, with the exception of the District of Columbia—a rule of procedure by which titles may be established.

Now, what do we say? That when a person by virtue of any instrument of record, a recorded deed, tax title, or anything else under which he may claim, asserts his title to property, and has complied with the provisions of law, which demand that the owner of the land shall pay taxes to the Government for a period of years, which here is made ten, during which time there is no adverse claims, no claim of possession whatever, he having the title of record, and having performed the functions of a citizen toward the Government by paying his tax, he shall have a *prima facie* claim. What does that mean? Absolute title by which others are divested? No; but that a rule shall be established by which the courts will not lend their aid or assistance to oust him of his title.

Mr. CULBERSON. Will the gentleman permit me to ask him a question?

Mr. FELLOWS. With pleasure.

Mr. CULBERSON. Why should you have this provision which shifts the burden on the defendant to prove that the recitals of the plaintiff are not correct.

Mr. FELLOWS. Why should not that burden be imposed upon him?

Mr. CULBERSON. The usual course of the law is that the plaintiff must prove the recitals of the defendant to be incorrect.

Mr. FELLOWS. Where?

Mr. CULBERSON. All over the country.

Mr. FELLOWS. All over the country; but there is no such law in regard to these titles in this District. It is just a rule of procedure, I assert again, that we are trying to establish by this bill. When you make it conformable to the rules and requirements of all the States, we must make a combination of the best principles of our common law, or our statutory law as we find it in all the States to make it applicable to these adverse and conflicting titles here.

Now, we simply make the fact that there is a record of title and that there has been ten years continuous payment of taxes upon the property *prima facie* evidences of title; and we submit that where the laws are so loose, incongruous, and inharmonious as they are in the District of Columbia no better or juster rule than that can be established. There has been a government in the District of Columbia, independent of all other governments, that has assumed to legislate on titles to land. There were the laws of the State of Maryland, from whom the territory of the District of Columbia was derived. There have been decisions of the supreme court of the District and of the Supreme Court of the United States with respect to these tax titles which render the titles uncertain, incongruous, and indeterminate; and now that the

property has assumed great value and advanced with rapidity in price, it is time that there shall be some rule established of construction in regard to titles in this District by which the persons can go into court. Three years are given from the time of this bill going into operation, if it shall pass, to enable any person to bring his action in court and test the validity of any claim he may have to land here, under the provisions of this bill.

Mr. RAYNER. Will the gentleman allow me to ask him a question?

Mr. FELLOWS. With pleasure.

Mr. RAYNER. In this fourth section, which seems to me to be a very objectionable one, provision is made for disposing of the property on which an infant may claim. You give an infant one year's time. Now, if the child was 11 years old when his property was taken possession of, and it was held by a man for ten years, then you give that infant one year's time, and that is all, to assert his rightful title. Not only that, you leave out the rights of married women altogether. You say nothing about the disabilities of a married woman and *femme couverte*, who has no right to bring suit. Your ten years, running retroactively, bars her of title.

Mr. FELLOWS. I wish to say in behalf of the chairman of the committee and the committee itself, with regard to the time within which an action may be brought by an infant, the committee agreed to an amendment, which will be presented to the House, and which will meet the objection, I think, raised by the gentleman from Maryland.

Mr. RAYNER. But as to the married women?

Mr. FELLOWS. The amendment was a subject of much discussion in the committee.

Mr. DALZELL. May I ask the gentleman a question?

Mr. FELLOWS. Yes, sir.

Mr. DALZELL. I understand the gentleman to assert for this ten-year limitation, as provided in the bill, simply a *prima facie* title. Now, as I understand sections 4 and 5 of this bill, the possession of the property for ten years and the payment of taxes for ten years give, not a *prima facie* title, but a title which in all courts of law and equity shall be considered a fee-simple title.

Mr. FELLOWS. Yes.

Mr. DALZELL. And I understand that there is no limitation upon the character or validity of the deed which will give a party a title. All that a man has to do is to get a deed, no matter whether the party making the deed had any title or not; all that he has to do is to simply obtain a deed and put it on record, and having put that deed on record, gone into possession, and stayed in possession for ten years and paid taxes, he is to have an absolute fee-simple title as against a man who may have had actual possession for thirty or fifty or one hundred years!

Mr. SMITH of Arizona. He gets the title even if he stays out of possession, provided he pays the taxes. All that is necessary in order to obtain this title is for him to get some one to make him a deed; it matters not whether the man making the deed had any title to the property or not.

Mr. HEMPHILL. Oh, yes, it does. If a man has a deed to property, and pays taxes upon it for ten consecutive years and the other man pays no taxes upon it, then the title of the first is good as against him. I want to say to my friend that the idea of the committee was simply this: That if a person claims property in the District of Columbia and does not come here and occupy it in any way, and does not pay any taxes upon it, he is not entitled to much consideration.

Mr. DALZELL. That he is not entitled to any consideration.

Mr. HEMPHILL. Well, if he is not entitled to any consideration he will be dealt with justly under this bill.

Mr. DALZELL. I do not assert that, but your bill does. It provides that a man who has failed to pay taxes for ten years shall have his property confiscated.

Mr. HEMPHILL. Oh, no; not confiscated.

Mr. DALZELL. Let me put this case to you. I have a good fee-simple title to a lot of land in the District of Columbia, and the gentleman from South Carolina [Mr. HEMPHILL], who has no title, makes a deed to the gentleman from New York [Mr. FELLOWS], and the gentleman from New York goes into possession and stays in possession for ten years and pays taxes for ten years; then, under the provisions of this bill, you have absolutely divested my fee-simple title and I have had no hearing.

Mr. BUCHANAN of New Jersey. He need not go into possession.

Mr. HEMPHILL. Provided you do not come into possession.

Mr. DALZELL. That is the meaning of the law?

Mr. HEMPHILL. Yes.

Mr. DALZELL. Well, I do not believe there is any such law anywhere, or that you can find a lawyer in the country anywhere who will approve such a law.

Mr. HEMPHILL. Well, I do not know, Mr. Speaker; the lawyers of this District, except one or two who are speculators in

land claims, have approved it unanimously. The opposition to it comes from one man, by the name of Boger or something like that (Humbegger, I suppose), who bought up what is known as the Blodgett land claim. He comes down and sets up big offices here, and then goes back to Philadelphia and gets statements put into the papers that there is a great big lawsuit going on down in Washington, that a man has been on the stand two weeks, and then he goes up to Philadelphia and humbugs people—

Mr. O'NEILL of Pennsylvania. What are you talking about Philadelphia for in connection with this matter? Philadelphia has said nothing. [Laughter.]

Mr. HEMPHILL. I know. Philadelphia is modest in this business considering how it has been treated. There was a man named Walker who owned a part of this city when it was an original division between the Government of the United States and the private individuals. That man's property was sold eighty years ago, and some three or four years ago a man goes over to Scotland and gets some parties there to make to him a deed for all this property; then he comes here and goes into court and buys up a whole square for \$50, the square on which St. Aloysius Church is located. That man also objects to this bill, and professes to feel aggrieved because the parties who have owned this property for eighty years and have paid taxes upon it do not give up to him. So far as my information goes these are the only people who object to this proposed legislation. I will state to my friend also that the lawyers of this District are almost unanimously in favor of it, with the exceptions I have stated, and it has also met the approval of the judges of the supreme court of the District of Columbia.

Mr. BUCHANAN of New Jersey. Mr. Speaker, if I understand the objects of this bill aright, I am in hearty sympathy with them. Undoubtedly the land titles in this District are very much in the condition which has been stated; and some remedial legislation should be had. The bill before us proposes in that line two distinct proceedings in court. One (to state the last first) is a proceeding for perpetuating on record the facts as to heirship. As to that proceeding, it seems to me the provisions of the bill are carefully and wisely drawn, requiring perhaps only a little change in the detail as to the summoning of absent parties into court. The other proceeding is for the purpose of quieting title as against adverse claimants; and this is a proceeding which the courts of this District, as I believe, ought to be authorized to take. Such a proceeding should be possible in this District; and with this provision, with some change in detail also, I am in hearty sympathy.

But leading up to this proceeding are several sections which seem to me to be vicious in principle. In providing this proceeding to quiet title, the bill, instead of remitting parties with their rights and liabilities, as they now exist, to the courts, proposes a number of changes in existing law, a number of provisions which will undoubtedly change existing rights of the parties who may join in such a proceeding. I ask the gentleman in charge of this bill why it is not possible for his committee to formulate and bring in here a measure providing such a proceeding for quieting title in the courts that all parties claiming any interest whatever shall go in there with the rights they now have and submit those rights to the adjudication of the court, or if all can not be found, or some refuse to go into court, then the courts may adjudicate upon the facts as presented?

It seems to me that to undertake in this legislative body to change the laws under which existing rights have accrued and to impose upon the courts arbitrary, cast-iron rules of construction and constraints of judgment is unjust. This is not a judicial but a legislative body; and when we have provided a forum, when we have provided the remedy, we have done all that should be required of us. We should let the parties go into court with their existing rights, and should not undertake by legislation to change the legal status of any claimant. To a bill thus guarded I will give my vote; but believing the gentleman from Pennsylvania has correctly interpreted the effect of the fourth and fifth sections, I can not vote for this bill.

Mr. HEMPHILL. I yield five minutes to the gentleman from Ohio [Mr. DOAN].

Mr. DOAN. Mr. Speaker, I may be to some extent personally interested in the effect which this bill may have on property in the District of Columbia; at least a number of my constituents may be interested in that regard. We have in my district a large family by the name of Roach. Their grandfather, who was a Revolutionary soldier, owned in his lifetime real estate in this District covering what are now sixty squares. Within the last two years—not exceeding two, perhaps—the Roaches of the third generation (some of them) have ascertained that they have an interest in this land. And I wish to say that according to information I have received there are at least sixty squares in this District as to which there is no legal title in the parties who are now holding it or claiming to hold it by deed only about ten years old.

Gen. Denver, who, as I believe, is well known to the Speaker and others, represents some of these Roach heirs; they are scattered over the country; many of them are minors, and there has been difficulty in ascertaining their residences. Now, by this bill it is proposed, as I understand, that those persons who thus hold deeds not exceeding the age of ten years shall be enabled to put those minor heirs at a disadvantage in consequence of their minority.

Under these circumstances parties having a paper title not more than ten years old will be enabled to take advantage of these persons who are at present under legal difficulty.

I wish to make an additional statement for the benefit of gentlemen who are to vote upon this bill. It is stated as a fact—I know not whether it is true or not—that covering these sixty squares which, as the gentleman preceding me has said, were a few years ago entirely worthless, there are fraudulent deeds, deeds from parties purporting to own this land, but who never had any interest in it in any shape or form. Under this bill all that is necessary in such a case as this is, for instance, whether he has any title or not, to make a deed to B, and B can go into court and get a decree that will cut out these honest heirs of a Revolutionary grandfather, notwithstanding they were not apprised of the interest they had in the land.

Mr. HEMPHILL. Will the gentleman let me read him a few words at the beginning of section 4?

That possession of land in said District heretofore or hereafter obtained without fraud or collusion.

Now, how can any man put a deed on record, under the circumstances supposed by the gentleman from Ohio, without being guilty of fraud?

Mr. DALZELL. It might be done ignorantly.

Mr. DOAN. The provision to which the gentleman from South Carolina refers could, as I understand, be overcome in this way: A, who claims to have a title, may know that he has not; but he may sell to B, who buys honestly and conscientiously; and then B may sell to C in good faith. Now, how are you going to reach B and C under such a provision as the gentleman has read?

Now, what I want to say in conclusion is this: Why is it that there is a necessity in all this broad land of forty-four States to enact a law in contravention of what is believed to have been honest, conscientious, and proper legislation on this subject in all of the States? In the State of Ohio, which is certainly a fair average State, a man before he can steal another man's farm is compelled to have been in open, notorious adverse possession for twenty-one years. Why now come in here and enact a bill into law that will steal from the actual owners the land which belongs to them under such a provision as this?

Mr. HEMPHILL. Mr. Speaker, it is hardly fair to use such strong expressions as the gentleman has used. I do not believe if the gentleman knew the gentlemen who are advocating this or the committee which has reported it that he would suppose it was a measure providing a means to enable anybody to steal anything.

Mr. DOAN. I mean a judicial steal.

Mr. HEMPHILL. It could not be done judicially or otherwise under this bill.

But, Mr. Speaker, it is evident that many of the gentlemen of this House are not informed upon this measure or its importance. I admit that upon a cursory examination there may be found objections which seem to lie upon its face. I am satisfied, however, that no man who will honestly investigate for himself the condition of the land laws of this District but will be satisfied that this Congress is under a solemn obligation to do something to remedy them.

Mr. BUCHANAN of New Jersey. What is the objection to the course I have suggested?

Mr. HEMPHILL. I was just going to say that inasmuch as there is considerable opposition to the bill, and the evening is getting on, I will ask permission of the House to continue the bill until next District day, so that it may be thoroughly examined in the mean time, and if amendments are necessary it is of course in the province of the House to adopt them. But I trust the House will give it a fair examination, for it is entitled to it, and that we will be enabled by some such proposition to do something for the landholders of this District in order to settle these questions which have become so burdensome and complicated.

I ask therefore to let this bill go over informally until the next District day.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection, and it was so ordered.

#### MARYLAND AND WASHINGTON RAILWAY COMPANY.

Mr. HEMPHILL. Mr. Speaker, I ask now to call up the bill (H. R. 4667) to incorporate the Maryland and Washington Railway Company. This is a line which goes entirely outside of the

city and enables some Maryland railway company, already chartered, to get access to the District of Columbia. I yield to the gentleman from Missouri [Mr. HEARD], who will explain the bill.

The SPEAKER. The bill will be read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* Abram P. Fardon, J. Henry Small, Jr., Wright Rives, Redford W. Walker, Louis D. Wine, John O. Johnson, Charles A. Wells, Joseph A. Blundon, A. O. Bliss, Edwin A. Newman, Van H. Manning, Wallace A. Bartlett, Ellis Speare, Benjamin D. Stephen, D. M. Nesbit, P. A. Seaggs, Francis H. Smith, W. Clarence Duvall, Philmore Beall, and their associates, successors, and assigns, are hereby created a body corporate by the name, style, and title of the "Maryland and Washington Railway Company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal. And said corporation is hereby authorized to construct and lay down a single or double track railway, and if it should construct and lay down a single-track railway with the right subsequently to change the same to a double-track railway, as may be approved by the Commissioners of the District of Columbia, with the necessary switches, turn-outs, and other mechanical devices, through and along the following routes, to wit: Beginning at the point where Rhode Island avenue, of the city of Washington, if extended in its present course, would intersect Fourth street northeast, as extended due north, and running thence with and along said Rhode Island avenue as thus extended, or adjacent thereto, to a point at or near the point of intersection of said Rhode Island avenue with the northeast boundary line of the District of Columbia; also beginning at the point of intersection of said Rhode Island avenue extended as aforesaid with Fourteenth street northeast, of the city of Washington, extended due north, and running thence in a northerly direction with said Fourteenth street extended through the subdivision known as "Brookland," and from said subdivision in a northeasterly direction over a route to be approved by the Commissioners of the District of Columbia to a point at or near the intersection of the northeast boundary line of the District of Columbia with the Queen's Chapel road: *Provided*, That all of the routes herein mentioned shall be subject to the approval of the Commissioners of the District of Columbia: *Provided further*, That whenever the lines of the said company shall cross any steam railway they shall cross by an overhead bridge or beneath the tracks of said railway, as may be approved by the Commissioners of the District of Columbia.

SEC. 2. That said company may run public carriages propelled by cable, electric, or other mechanical power, subject to the approval of the said Commissioners, but nothing in this act shall allow the use of steam power in locomotives: *Provided further*, That for the purpose of making a continuous connection the said company shall have the right to cross all streets, avenues, and highways that may be deemed necessary for the purpose.

SEC. 3. That said company shall receive a rate of fare not exceeding 5 cents per passenger for any continuous ride over its line within the District of Columbia; and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That six tickets shall be sold for 25 cents within the District limits.

SEC. 4. That said company shall, on or before the 15th of January of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein, and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December 31, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by affidavit of the president and secretary of said company, and, if said report is not made at the time specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, 4 per cent of its gross earnings, which amount shall be payable to the collector of taxes, at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said 4 per cent of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks shall not be taxed as real estate.

SEC. 5. That the said railway shall be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, to be approved by the Commissioners of the said District, laid upon an even surface with the pavement of the street, and the gauge to correspond with that of other city railways.

SEC. 6. That the said corporation hereby created shall be bound to keep said tracks, and for the space of two feet beyond the outer rails thereof, and also the space between the tracks, at all times in as good order as the streets, avenues, and highways through which it passes, wherever it shall run over streets, avenues, and highways, subject to the approval of the said Commissioners, without expense to the United States or the District of Columbia.

SEC. 7. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade or otherwise improving all avenues and streets and highways occupied by said road, or from so altering and improving such streets and avenues and highways, and the sewerage thereof, as may be under its authority and control; and in such event it shall be the duty of said company to change its railroad so as to conform to such grade as may have been thus established.

SEC. 8. That it shall be lawful for said corporation, its successors or assigns, to make all needful and convenient trenches and excavations in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid, subject to the approval of the said Commissioners. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground constructions shall be borne by the said railway company.

SEC. 9. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and other buildings necessary for the successful operation of a cable motor, electric, pneumatic, or other railroad.

SEC. 10. That it shall not be lawful for said corporation, its successors or assigns, to propel its cars over said railroad, or any part thereof, at a rate of

speed exceeding that which may be fixed from time to time by the said Commissioners, and for each violation of this provision said grantees, their successors or assigns, as the case may be, shall be subject to a penalty of \$50, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District aforesaid.

SEC. 11. That the main line of said railway company, from the point of beginning herein named to a point at or near the intersection of Rhode Island avenue extended and the northeast boundary of the District of Columbia, shall be commenced within six months and completed within twenty-four months from the passage of this act.

SEC. 12. That the said company is hereby authorized to issue its capital stock to an amount not to exceed 10 per cent over the cost of construction, equipment, and purchase of right of way and ground necessary for its proper working, and not to exceed in all the sum of \$200,000. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed by them, as follows, viz.: Five per cent at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless the 5 per cent thereof shall be paid at the time of subscribing as hereinbefore provided, and no assessment exceeding 10 per cent to be made at any one time; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction to the highest bidder so many shares of his stock as shall pay said installments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

SEC. 13. That within thirty days after the passage of this act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or, if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said company, and for the receiving subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay, at the time of subscribing, 5 per cent of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the 5 per cent at the time of subscribing except lawful money, or certified checks from any established bank. And when the books of subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy: *Provided*, That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence, or which may hereafter be chartered, and any such consolidation shall of itself operate as a forfeiture of this charter.

SEC. 14. That the said company shall place first-class cars on said railway, with all modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, the time-table or schedule of time to be approved by the said Commissioners of the District of Columbia.

SEC. 15. That the company shall buy, lease, or construct such passenger rooms, ticket offices, workshops, depots, lands, and buildings as they may deem necessary, at such points on its line as may be approved by the said Commissioners.

SEC. 16. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

SEC. 17. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice-president, a secretary, and treasurer, who shall give bond with surety to said company in such sum as the said directors may require for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

SEC. 18. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

SEC. 19. That there shall be at least an annual meeting of the stockholders for choice of directors, to be held at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe, and said directors shall annually make a report in writing of their doings to the stockholders.

SEC. 20. That the said company shall have at all times the free and uninterrupted use of the roadway, and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars to said company, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 21. That the said Maryland and Washington Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

SEC. 22. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employes for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

SEC. 23. That this act may at any time to be altered, amended, or repealed by the Congress of the United States.

SEC. 24. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding 50 feet in width, with necessary slopes, and 130 feet in width in the line of Rhode Island avenue extended, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

The committee recommend the adoption of the following amendments:

In section 1, line 29, strike out all after the word "Columbia" down to the word "Provided," in line 39.

In section 2, line 7, strike out "deemed;" in line 4, section 4, strike out the word "and," and in line 5, after the word "each," add "and the amount paid thereon."

In section 5, line 3, after the word "pattern," insert "all," and add, after the word "railways," in the sixth line, "wherever more than one of the tracks of said railroad company shall be constructed on any of the public highways in the District of Columbia, the width of the space between the two tracks shall not exceed 4 feet."

In the sixth section, strike out the word "as" where it first occurs; in line 4, insert "such," and strike out, after the word "order," down to and including the word "passes," in the fifth line, and insert "as the Commissioners of the District of Columbia may require."

In line 9 of section 12, strike out "five" and insert "ten." Also, in line 12, the same amendment; and in line 15, after the word "time," add "but at least 50 per cent of the entire stock subscribed shall be paid within six months from the date of subscription, and the whole amount shall be paid within two years from said date."

In section 13, strike out the word "five," in line 9, and also in line 12, and insert "ten," so that it will read "ten per centum;" and add to this section: "And it shall be unlawful for the franchise hereby granted to be sold or transferred to any individual or corporation before the road shall have been constructed and equipped for business."

In line 2 of section 20, strike out "the" and insert "its," and add to section 24: "Provided, That the extension of Rhode Island avenue herein authorized, whether acquired by condemnation or otherwise, shall be dedicated to the public use in the same manner and subject to the same regulations and control that apply to other streets and avenues in the District of Columbia occupied by street railways."

Mr. HEARD. The amendments which were suggested by the District Commissioners as well as those proposed by the committee are all printed in italics in the bill and have been read as a part of it. I move, therefore, that the amendments be voted for in gross.

The SPEAKER. The gentleman asks unanimous consent that the amendments be considered together. Is there objection?

There being no objection, the amendments were considered, and adopted.

Mr. BRECKINRIDGE of Kentucky. I would like to ask the gentleman in charge of the bill whether there is any provision requiring, in case they shall adopt the electric system on this road, that the wires shall be placed under ground.

Mr. HEARD. There is not, for the reason that this line is entirely outside of the city limits, being designed simply to make connection in the District of Columbia with a road already chartered under the laws of Maryland outside of the District and which is seeking to get into the District, but not into the city proper. The terminus of the road is Rhode Island avenue and Fourth street east extended and outside of the city limits.

Mr. BRECKINRIDGE of Kentucky. But these streets are being rapidly extended in that direction, and the city limits will probably reach that point in time.

Mr. HEARD. I would ask my friend from Maryland, whose district is interested in the bill, to state what the road is.

Mr. BRECKINRIDGE of Kentucky. The reason I ask the question is that most of the bills proposing to charter railway companies here have required that in case of the use of electric wires they shall be placed underground.

Mr. HEARD. That is where the lines are in the city limits.

Mr. BRECKINRIDGE of Kentucky. Now, this does not do it. Personally, I am in favor of having the wires overhead both in the city and out of the city. I believe that the subway wire system is a mistake, but I notice that in the permission given to other new companies and to companies now in existence to construct electric lines the condition is affixed that the wires shall be put underground, and if we are going to make a rule let us make it not only for the city but for that part of the District that now lies without the city, but which will soon become a part of the city practically.

Mr. COMPTON. Mr. Speaker, the scope and purpose of this bill are simply to allow a Maryland corporation, now in existence under the laws of that State, to make a connection with the road which is proposed to be built there to the City of Washington and its railways reaching into that part of the city. This road does not run more than a mile within the limits of the District, and does not touch the city itself. The purpose of it is that these gentlemen, who are incorporated under the laws of the State of Maryland, are seeking to make facilities for transportation from the villages along the route of this road to the City of Washington. They come now to the line of the District of Columbia, and in order to enable them to get within the District they have asked for the passage of this bill. The bill has not the

provision in it which the gentleman from Kentucky [Mr. BRECKINRIDGE] suggests, but he will please bear in mind that that portion of the District of Columbia outside of the city limits which is affected by this bill is absolutely in the country to-day.

Mr. HEARD. That is not required as to any road outside of the city.

Mr. COMPTON. I do not believe, as suggested by my friend [Mr. HEARD], that this has been required of any company outside of the city. Therefore there can be no justice in requiring it of this corporation. Now, in so far as the provisions of the bill are concerned, I think it will meet the objection of the most technical lawyer and the strictest constructionist upon this floor. Every provision that can guard the rights and interests of the people is embodied in this bill. There can be no reasonable objection to the bill as it is prepared, with the amendment suggested by the Commissioners and by the committee.

Mr. SEERLEY. Mr. Speaker, I desire to offer an amendment to section 20, in line 11. I think there is an error in the print.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 20, as follows:

Strike out, in line 11, page 12, the words "said company" and insert the words "the District of Columbia" and insert in line 13, after the word "liable," the words "to the said company."

Mr. HEARD. Mr. Speaker, I think that is a very proper amendment, and I accept it. I think there was an omission in the original bill.

The amendment was agreed to.

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

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

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 5755) to provide for terms of the United States circuit and district courts at Cumberland, Md.

It also announced that the Senate had insisted on its amendments disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as said conferees on the part of the Senate.

It also announced that the Senate had passed joint resolution (S. R. 44), authorizing the Librarian of Congress to exhibit certain documents at the World's Columbian Exposition; in which concurrence was requested.

#### ARMY APPROPRIATION BILL.

Mr. OUTHWAITE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. BURROWS. Mr. Speaker, have all points of order been reserved against the Army bill? If not, I desire to reserve all points of order.

The SPEAKER. The Chair is informed that all points of order have been reserved.

The motion of Mr. OUTHWAITE was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, with Mr. WILSON of West Virginia in the chair.

The CHAIRMAN. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 6923) making appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes.

Mr. OUTHWAITE. I ask unanimous consent to dispense with the first formal reading of the bill, as I shall have the report read immediately, which gives a succinct statement of the provisions of the bill. That will avoid consuming considerable time.

The CHAIRMAN. The gentleman from Ohio [Mr. OUTHWAITE] asks unanimous consent to dispense with the first formal reading of the bill. Is there objection?

Mr. HOLMAN. With the understanding that the report shall be read, I have no objection.

Mr. BRECKINRIDGE of Kentucky. I will ask the gentleman from Ohio if he intends to continue the consideration of the bill this afternoon?

Mr. OUTHWAITE. It is just seven minutes after 4, and I intend to occupy the time until about 5 o'clock.

Mr. BRECKINRIDGE of Kentucky. It looks as though there were not many of us here, and those of us who are here have been busily engaged all day.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio [Mr. OUTHWAITE]?

Mr. HOLMAN. Does the gentleman intend to indulge in some general debate on the bill?

Mr. OUTHWAITE. So far as it may be desired.

Mr. HOLMAN. Well, it would hardly be proper to take up the bill by sections this afternoon.

Mr. OUTHWAITE. That will depend entirely upon how much general debate is desired, if any.

Mr. HOLMAN. I will say to the gentleman that I think general debate should occupy at least the remainder of the session this evening, and that the bill shall be considered by sections hereafter.

Mr. OUTHWAITE. I am not aware of anybody who wishes to speak on the bill in general debate. If there be any, opportunity will be given. I would agree to the proposition that until 5 o'clock be occupied by general debate, if so much is needed.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio to dispense with the first reading of the bill? [After a pause.] The Chair hears none, and it is so ordered.

Mr. OUTHWAITE. I ask the Clerk to read the report on the bill, as it contains as much statement as I desire to make concerning the contents.

The report was read, as follows:

The Committee on Military Affairs, to which was referred so much of the letter of estimates as relates to the military establishment, including appropriations for its support for the fiscal year ending June 30, 1893, submits a bill for that purpose and recommends the passage of the same.

This bill proposes to appropriate \$24,245,649.82.

The appropriations for the same purpose for the preceding fiscal years were as follows:

Law of 1888-'89	\$24,471,300.00
Law of 1889-'90	23,824,615.73
Law of 1890-'91	24,231,626.79
Law of 1891-'92	24,613,529.19

The estimates for 1892-'93 are \$25,949,207.50.

This bill carries \$367,879.37 less than the appropriation for the year ending June 30, and \$1,703,557.77 less than the estimates for the coming fiscal year.

For the pay of the Army this bill appropriates \$13,291,549.82, while the law for the present year provides for \$13,227,679.19 for the same purpose. This increase arises substantially from the natural increase under the law of pay to officers on the active and retired list for length of service, and by the increase in number of officers upon the retired list, or who will be placed thereon during the current year; and also by an increase of the number of enlisted men on the retired list. There is also an increase in the pay for the Hospital Corps. The increase for pay of officers for length of service is \$12,480; for retired officers is \$150,099.57; for retired enlisted men is \$152,738.92, and for the Hospital Corps is \$40,000. There was a deficiency in the appropriation for 1891 in the last-named item of about \$40,000 in the amount appropriated, and the increase is made in this bill to prevent the recurrence of a like deficiency.

The chief reductions in this part of the bill for the pay of the Army, as compared with the law of 1892, are for pay of officers of the line, \$57,000; for pay of enlisted men, \$50,000; for length of service pay of enlisted men, \$35,100; contract surgeons and hospital matrons, \$36,317.77, and mileage to officers when traveling on duty without troops, \$20,000.

These reductions are made by the committee not with the purpose of effecting any reductions of the pay proper for such items, but in the belief that the Army will not be in the slightest embarrassed by them and that the pay department will be able to meet all demands. The items for mileage of officers, when traveling without troops, is somewhat within the control of the War Department, and may readily be reduced without detriment to the service. The pay of the general staff varies little from last year's law, being increased slightly in some departments and reduced in others, on account of the increase or decrease of the aggregate service of such department.

Two changes in the present law are submitted in this branch of the bill. The first is to reduce the expenses for certain officials of the Army only. The second, and more important, has in view to provide for the more frequent payment of enlisted men and to reduce the cost of the Pay Department.

The report of the Secretary of War contains the following upon the subject:

"The law now provides that no appointments of paymasters shall be made until the number of majors shall have been reduced below twenty-nine. Without casualties or retirements for disability, the corps will be reduced below the number authorized, and there will be a vacancy in the place of an officer retired for age in September next. Already applications are being received for appointment in this corps in anticipation of early vacancies.

"In view of the great number of posts that have been abandoned in the last three years, and the probability that others will be in the immediate future, and that these posts are, as a rule, the remote ones, requiring the most travel and time to reach, the corps might be still further reduced without injury to the service. Besides this, most of the posts and arsenals are located in or near towns, and the force at some of them is so small that payments can be made by checks sent by mail or by money sent by express, at a decided saving of time and expense.

"To send a paymaster and clerk 100 or 200 miles to pay 50, and in several cases less than 25 men, requiring from 1,500 to over 2,000 miles' travel annually, for each post, seems an antiquated and unbusiness-like method, and I have recently directed that payments at several points be made in the manner above indicated. The corps can be safely reduced to 25 majors, or even less, if the Secretary of War be authorized to assign officers of other arms of the service, at remote posts occupied by small garrisons, as acting assistant paymasters in addition to their other duties."

There is a reduction in the sum appropriated for the subsistence of the Army of \$45,000, in which the Commissary-General concurs.

In the Quartermaster's Department the first reduction is in the appropriation for regular supplies, the amount of which is \$53,000 below the estimates and \$78,000 below the law of 1892. The second reduction is an incidental expense of \$50,000, and the third is for the purchase of horses of \$15,000. All of these can be made without injury to the service and leave sufficient amounts to the credit of each of these funds. To the first, \$2,600,000; to the second, \$25,000; and to the third, \$135,000.

For army transportation the bill provides \$2,600,000, and that item is supplemented in the bill with the following new legislation:

"That hereafter no money appropriated for army transportation shall be used in payment of the transportation of troops and supplies of the Army

over any of the nonbonded lines owned, controlled, or operated by the Union Pacific Railway Company (including the lines of the Oregon Short Line and Utah Northern Railway Company), or by the Southern Pacific Company over lines embraced in its Pacific system."

The object of this provision is to retain, for the present in an unsettled account, the money earned by these companies which own bond-aided lines and owe large sums to the Government, which will become due within a few years, and which it seems such companies are making no provisions to pay, and will not be able to pay when due.

The reductions of the amounts for construction and repairs of hospitals from \$75,000 to \$50,000, and for construction of quarters of hospital stewards from \$12,000 to \$7,000 were suggested by the Surgeon-General with the proposition that these sums were to be used for these purposes "at military posts already established and occupied." The construction and repairs of hospitals at established posts in the United States Army has during many years been provided for by general appropriation, as follows:

Construction and repairs of hospitals: For constructions and repairs of hospitals, including the extra-duty pay of enlisted men employed on the same, etc.

For construction of quarters for hospital stewards, including the extra-duty pay of enlisted men employed on same, etc.

The estimate upon which this appropriation is based is made by the Surgeon-General in accordance with the following regulation, he obtaining this information from the medical officers:

"1608. The Surgeon-General will furnish to the Quartermaster-General, in sufficient time for the latter to consider in his annual estimates, a statement showing the hospital repairs which will probably be required during the ensuing year, with the probable cost of the same." (Army Regulations, ed. 1889.)

The expending of this appropriation has, until within the past few years, been confined to the purposes for which its estimate was made, viz., that of the necessities existing at completed or established posts which were garrisoned with troops. During late years Congress has, from time to time, made special appropriations of money for the construction of the "necessary buildings," etc., at new posts, as will be seen by considering extracts from the several acts of Congress concerning the establishment of new posts.

In the construction of hospitals and hospital stewards' quarters for these new posts the Quartermaster-General decided that they should be paid for from the general appropriation, against which decision the Surgeon-General took issue on the ground that he could not legally take an allotment from the general appropriation, because the construction of hospitals, which were "necessary buildings" at these posts, was authorized by a specific appropriation. (See sec. 3678, R. S.) The case was referred to the Second Comptroller of the Treasury, who, in a decision given June 11, 1889 (copy attached), sustained the view of the Surgeon-General. The original views of the Quartermaster have, however, prevailed, and the general appropriation has borne the following expenses of constructing hospitals and hospital stewards' quarters at the new posts of Forts Logan, Thomas, and Sheridan:

Posts.	Hospitals.	Hospital stewards' quarters.
Fort Logan, Colo	\$20,969.30	\$1,254.06
Fort Thomas, Ky	18,395.35	1,199.56
Fort Sheridan, Ill	24,169.22	1,200.00

Unless the intention of Congress is clearly defined in the matter, the appropriation will have to bear also the expense for constructing similar buildings at the following military posts:

Posts.	Hospitals.	Hospital stewards' quarters.
Fort Brady	\$15,000	\$800
Fort Yellowstone	5,000	800
Fort Bliss	25,000	1,200
Fort Omaha	25,000	1,200
Plattsburg Barracks	25,060	1,200

The committee have therefore introduced the words in the bill so as to clearly define the intention of Congress to include hospitals among the necessary buildings to be erected out of the specific appropriations made in the case of each new fort as the work progresses and out of that specific fund.

An increase of \$25,000 is made for clothing, camp, and garrison equipage for this reason, that under the recent appropriations delays have occurred in supplying the necessary clothing. There is a necessity for purchasing a greater working stock of materials and clothing to enable the Department to more promptly meet the wants of the Army and the militia of the States and Territories.

A change in the law restricting the manner of purchasing medicines and medical supplies is adopted in the bill in accordance with a letter from the Secretary of War, transmitting one from the Surgeon-General recommending such an amendment, which letters are appended to this report.

The appropriation for the Engineer Department is increased something above the average of the past four years, but this is necessary because of the destruction by fire of the greater part of the supply of pontoon bridge materials at Willets Point.

#### ORDNANCE DEPARTMENT.

The Ordnance Department is provided for substantially as for the current year, except that but \$130,000 is given in this bill for the manufacture of metallic ammunition for small arms and ammunition for reloading cartridges and tools for the same, etc., as against \$150,000 for the same purposes in this current year. The committee is advised that there is a considerable supply of those materials on hand already, and believe it might be well not to go on manufacturing to be put in store while the progress of invention in this direction is such that the small arms may soon become wholly or partially obsolete.

For the recruiting service an appropriation of \$130,000 is recommended, the same amount as is in the act for the current year. A larger sum was estimated, upon the theory that the Army is to be recruited to the full authorized strength of 25,000 enlisted men. This will hardly prove to be the case, and the amount of \$130,000 for that purpose is deemed to be sufficient by the committee.

While such reductions have been made as would bring the appropriations within the lowest amount compatible with the best interests of the military establishment, they still are sufficient to avoid the necessity for a deficiency and to enable the service to show its usual progress in efficiency.

[House Ex. Doc. No. 99, Fifty-second Congress, first session.]

WAR DEPARTMENT, Washington, January 22, 1892.

SIR: I have the honor to transmit herewith a letter from the Surgeon-General of the Army, dated the 19th instant, recommending an amendment to the bill making appropriations for the support of the Army for the fiscal year ending June 30, 1893, so as to provide that so much of section 3709 of the Revised Statutes as requires advertisement before purchase shall not apply to the purchase of medical and hospital supplies.

Very respectfully,

S. B. ELKINS, Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,  
Washington, January 19, 1892.

SIR: I have the honor to recommend that the following be laid before the Speaker of the House of Representatives:

Section 3709 of the Revised Statutes provides that "All purchases and contracts for supplies or service in any of the Departments of the Government \* \* \* shall be made by advertising a sufficient time previously for proposals respecting the same."

In compliance with this law, the medical and hospital supplies required for the use of the Army are so obtained, involving, as a rule, a delay of from three to five months, and sometimes longer, from the date of advertising until all the formalities have been complied with and the articles delivered, accepted, and paid for.

Section 3721, Revised Statutes, is as follows:  
"The provisions which require that supplies shall be purchased by the Secretary of the Navy from the lowest bidder, after advertisement, shall not apply to \* \* \* medicines."

I am satisfied that it will be in the interest of the public service, and therefore recommend that in the bill making appropriation for the Army, item "Medical and Hospital Department," for the fiscal year ending June 30, 1893, which is now before Congress, a similar provision be incorporated, so that the aforesaid item of the appropriation will read as follows, the words in italics being those submitted in this letter:

"Purchase of medical and hospital supplies, including disinfectants for general post sanitation; expenses of medical purveying depots, pay of employes, medical care and treatment of officers and enlisted men of the Army and Signal Corps on duty at posts and stations for which no other provision is made; for the proper care and treatment of cases in the Army suffering from contagious or epidemic diseases, and the supply of the Army and Navy General Hospital at Hot Springs, Ark.; advertising and other miscellaneous expenses of the Medical Department; the amount to be expended for pay of civilian employes not to exceed \$45,000: *Provided, That so much of section 3709, Revised Statutes, as requires advertisement before purchase shall not apply to the purchase of medical and hospital supplies.*"

The proposed amendment does not involve any expense (in fact, will save it), but simply places the Medical Department of the Army upon the same footing, as regards the purchase of its supplies, as the Medical Department of the Navy. The excellent system of expert chemical examination in this office of medical supplies fully protects the Government from the acceptance of articles that are not of the best quality.

Very respectfully,

C. SUTHERLAND,  
Surgeon-General, United States Army.

The SECRETARY OF WAR.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,  
Washington, D. C., June 11, 1889.

CONSTRUCTION OF A HOSPITAL AT THE MILITARY POST NEAR NEWPORT, KY.

By the act of March 3, 1887 (24 Stats., 555), the sum of \$100,000 was appropriated for the "erection of necessary and suitable buildings" at a military post near Newport, Ky., and by the act of March 2, 1889, the additional sum of \$100,000 was appropriated "for completion of construction of buildings at this post."

The estimates of the War Department for said buildings include the construction of a hospital. In the annual Army bills there is always inserted a general provision for "construction and repairs of hospitals." (See 23 Stats., 111; 24 Stats., 98; 25 Stats., 486.)

Under section 3678, Revised Statutes, which provides that "all sums appropriated for the various branches of expenditures in the public service shall be applied solely to the objects for which they are respectively made, and for no others," the question arises, from which appropriation must the cost of said hospital at Newport Barracks be paid? Congress has limited the cost of the "necessary buildings" at this post to \$150,000, and if a hospital is one of the "necessary buildings" of a military post, as are the barracks, quarters, and storehouses, there can be no question but that its cost must be borne by the specific appropriation of \$150,000; otherwise it is useless for Congress to limit the cost of the buildings at any post, and the whole logic of specific appropriations falls to the ground. It has been repeatedly held by this office that when a specific appropriation is available no other appropriation (which otherwise might be construed to authorize an expenditure in general terms) can be drawn upon.

The necessary buildings at Newport Barracks, Ky., are to be constructed at a cost of not more than \$150,000. The question, therefore, resolves itself into the determination of what are the "necessary buildings" at a military post. By reference to Army Regulations, 1881, paragraph 1824, it will be observed that under this head are included the permanent buildings for the use of the Army as barracks, quarters, hospitals, storehouses, offices, and stables. If I am correct, therefore (and the Army Regulations seem to bear me out), in including a hospital among the "necessary buildings" at a military post, I am unable to justify an expenditure from any appropriation other than the two specific appropriations above named—\$100,000 and \$50,000. If expenditure from any other appropriation were allowed, it would be manifestly absurd and useless for Congress to place any limitations upon the amount of money to be expended in connection with any specific object, or, in other words, the practice of making specific appropriations falls of its purpose, and might as well be discontinued.

B. F. GILKESON, Comptroller.

Mr. OUTHWAITE. Mr. Chairman, no member of the Committee on Military Affairs desires to discuss the bill in general debate, and unless some member of the Committee of the Whole desires to discuss it, I will ask that we proceed to the reading of the bill by paragraphs.

The CHAIRMAN. The Clerk will proceed with the reading of the bill by paragraphs, as no gentleman seeks the floor.

The Clerk read as follows:

RETIRED OFFICERS.

For pay of officers on the retired list, and for officers who may be placed thereon during the current year, \$1,122,491.35.

For additional pay to such officers for length of service, to be paid with their current monthly pay, \$334,111.90.

Mr. BRETZ. I would like to ask the gentleman in charge of the bill what is meant by the paragraph, beginning with line 22, "for additional pay to such officers"? What entitles them to this additional pay? I understand that they are officers retired upon pay, who have nothing to do. Is that true?

Mr. OUTHWAITE. This additional pay is not additional to the pay for length of service. Now, this additional pay for length of service is a provision of law whereby the officers receive an increase of pay for each period of five years which they shall serve; and this is that additional pay provided.

Mr. BRETZ. I did not understand. I thought that was a proposition paying them as retired officers an addition to the amount already fixed by law.

Mr. OUTHWAITE. No; it is for length of service.

The Clerk read as follows:

For one expert accountant for the Inspector-General, \$2,500.

Mr. OUTHWAITE. I ask unanimous consent to pass over this part of the bill without offering an amendment that I am directed to offer by the committee. It is simply to change from a place on page 23 to this place in the bill a provision for pay of a clerk. At the request of some members of the committee I ask permission to pass it for the present, with leave to return to it hereafter.

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

The Clerk read as follows:

SUBSISTENCE OF THE ARMY.

For the purchase of subsistence supplies for issue as rations to troops, civil employes when entitled thereto, hospital matrons, military convicts at posts, prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), estimated for the fiscal year on the basis of 10,103,565 rations; for sales to officers and enlisted men of the Army; for authorized extra issue of candles, salt, and vinegar; for public animals; for issues to Indians visiting military posts and to Indians employed with the Army without pay, as guides and scouts; for payments for cooked rations for recruiting parties or recruits; for hot coffee, baked beans, and canned beef for troops traveling when it is impracticable to cook their rations; for scales, measures, weights, utensils, tools, stationary, blank books and forms, printing, advertising, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for bake ovens at posts and in the field and repairs thereof; for extra pay to enlisted men employed on extra duty in the Subsistence Department for periods not less than ten days at rates fixed by law; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; for the payment of the regulation allowances for commutation in lieu of rations to enlisted men on furlough, to ordnance sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued, to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in the department, division, and army rifle competitions while traveling to, from, and at places of contest; in all, \$1,700,000, to be expended under the direction of the Secretary of War; and not more than \$110,000 thereof shall be applied to the payment of civilian employes of the Subsistence Department, and hereafter no enlisted man shall be entitled to receive more than one ration daily.

Mr. OUTHWAITE. I desire to offer the amendment I send to the Clerk's desk.

The Clerk read as follows:

On page 11, after the word "daily," in line 9, add: "*Provided, That sergeants of ordnance shall receive the same allowance of clothing as other sergeants in like staff departments.*"

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, I wish to call the attention of the gentleman from Ohio to the last provision of that paragraph, where it is stated—

Not more than \$110,000 thereof shall be applied to the payment of civilian employes of the Subsistence Department.

I wish to inquire whether that amount can not be materially reduced without any injury to the service?

Mr. OUTHWAITE. That is the amount which has been appropriated for this purpose for some years past; and upon inquiry from the Commissary-General of Subsistence we received information that it could not well be reduced. He stated that this amount was necessary to conduct the business of that department.

Mr. HOLMAN. Enlisted men can be employed in that service. A number of enlisted men are assigned to clerical duties, and why can not a greater number be assigned? That subject was discussed carefully and very thoroughly two years ago, and then, I think, the sentiment was quite general that that item might be materially reduced. I think the item has been the same as it is now for years; but it is a large sum to be paid out for this purpose when enlisted men are always anxious to get that kind of employment.

Mr. OUTHWAITE. The enlisted men now engaged in such employment are rather too large a proportion of the Army. The

enlisted men who are used for such purposes are taken from their soldier duties and thus decrease the effective force of the Army, becoming laborers and clerks. There are no more reasons, it occurs to me, why enlisted men should be detailed for that purpose than for work in the War Department or for work in any of the other Departments.

Mr. HOLMAN. They can be detailed for work in the War Department.

Mr. OUTHWAITE. I mean to do all the work that is now done by the clerical force. This amount is necessary because of the superior clerical ability required by the men who purchase the subsistence stores, who allot them, who keep the books showing to which posts they go, and how they are distributed. They must be men of more clerical ability than is ordinary in enlisted men.

Mr. WHEELER of Alabama. In reply to the gentleman from Indiana [Mr. HOLMAN], I will remind him of the fact that it used to be the custom to have men in the general service employed in the War Department, but it came to be regarded as a bad system and was abandoned.

Mr. HOLMAN. But there is no law against it; simply a regulation of the Department.

Mr. WHEELER of Alabama. A regulation of the Department for the improvement of the service.

Mr. OUTHWAITE. Mr. Chairman, at the request of the gentleman from Indiana [Mr. HOLMAN], I ask unanimous consent that the portion of the bill which relates to the Quartermaster's Department be passed over for the present, and that the Clerk proceed to read from the top of page 19 of the bill.

Mr. HOLMAN. I desire also that the matter in relation to "army transportation," on the fourteenth page, shall be passed over.

Mr. OUTHWAITE. How much does the gentleman ask to have passed over?

Mr. HOLMAN. All under the head of "Quartermaster's Department," and all under the head of "Army transportation."

Mr. OUTHWAITE. Then I ask unanimous consent to pass over the bill until we come to the "purchase of horses," on page 14, and also to pass over the provision in regard to "army transportation."

Mr. HOLMAN. Let him pass over down to and including "army transportation."

Mr. OUTHWAITE. Then let the Clerk begin with "barracks and quarters."

There was no objection.

The Clerk read as follows:

For construction of quarters for hospital stewards at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, ——— thousand dollars: *Provided*, That the posts at which such quarters shall be constructed shall be designated by the Secretary of War, and quarters shall be built by contract, after legal advertisement, whenever the same is practicable.

Mr. OUTHWAITE. Mr. Chairman, by an omission of the printer the word "seven" is omitted before the word "thousand" in that paragraph, and I ask unanimous consent to insert it.

There was no objection, and it was so ordered.

The Clerk read as follows:

For manufacture of metallic ammunition for small arms and ammunition for reloading cartridges, and tools for the same, including the cost of targets and material for target practice, and marksmen's medals, and insignia for all the arms of the service, \$130,000.

Mr. OUTHWAITE. I am directed by the Committee on Military Affairs to move to amend that paragraph by striking out the word "thirty," before "thousand," in the last line, and inserting "fifty;" so as to make it read "\$150,000," that being the amount heretofore appropriated for the manufacture of metallic ammunition for small arms, etc. This is upon the recommendation of the brigadier-general in charge of the Ordnance Department.

Mr. HOLMAN. How much was the first estimate?

Mr. OUTHWAITE. The estimate was \$150,000, the same as it has been for some years past.

The amendment was agreed to.

The Clerk read as follows:

For pay of a clerk attendant on the collection and classification of military information, \$1,500.

Mr. OUTHWAITE. Mr. Chairman, I ask unanimous consent to pass over that paragraph for the present. It relates to the clerk of whom I spoke earlier in the bill.

There was no objection, and it was so ordered.

The Clerk completed the reading of the remaining portions of the bill not passed over by consent.

Mr. OUTHWAITE. Is the gentleman from Indiana [Mr. HOLMAN] prepared now to dispose of the paragraphs that have been passed over?

Mr. HOLMAN. Not this evening. It is quite late, and, besides, there is no quorum present.

Mr. OUTHWAITE. Then, Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WILSON of West Virginia, from the Committee of the Whole, reported that they had had under consideration the Army appropriation bill, and had come to no resolution thereon.

#### ORDER OF BUSINESS.

Mr. OUTHWAITE. Mr. Speaker, I move that the House do now adjourn.

Mr. BOATNER. I ask the gentleman to withdraw that motion for a moment, while I ask for the present consideration of a resolution.

Mr. OUTHWAITE. I will withdraw it at the request of the gentleman from Louisiana.

Mr. BOATNER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

#### RESOLUTION.

[As a substitute for H. R. 777, 783, 1951, 1961, and 1970.]

*Resolved*, That the following bills (H. R. 777, 783, 1951, 1961, and 1970) for the relief I. B. Beard, estate of T. M. Tucker, Sarah A. Powell, William Lawhead, administrator of John Lawhead, and Mary E. Monahan, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims under the provisions of the act of Congress to provide for the bringing of suits against the Government of the United States, approved March 3, 1887.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. KILGORE. I would like to suggest to the gentleman from Louisiana that to refer those cases to the Court of Claims in accordance with the terms of that resolution would afford no relief to the parties. The Tucker act bears date March 3, 1887, and that act specifically provides that the court shall not have jurisdiction of what are known as "war claims," and this is a war claim.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. KILGORE. I think I should be inclined to object, Mr. Speaker, because this reference would not do the parties any good. [Laughter.]

Mr. BOATNER. I do not know, Mr. Speaker, that that objection is one which concerns anybody but the parties. [Laughter.]

Mr. KILGORE. Well, it is just as I say. That law provides that the court shall not have jurisdiction of claims of the class commonly known as war claims. Under the Tucker act the House or Senate, or any committee of the House or Senate, may refer claims of this character under the Bowman act, and under that act loyalty is a jurisdictional fact which must be inquired into preliminarily.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HOLMAN. I think the report ought to be read.

Mr. BUCHANAN of New Jersey. Regular order!

The SPEAKER. The regular order is demanded, which is equivalent to an objection.

Mr. OUTHWAITE. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 4 o'clock and 55 minutes p. m.) adjourned.

#### REPORTS OF COMMITTEES.

Under clause 3 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committees of the Whole House, as follows:

By Mr. STONE of Kentucky, from the Committee on War Claims: The bills (H. R. 3381) for the relief of John A. McDaniel, of Pulaski County, Ark.; (H. R. 3382) for the relief of A. C. Kerr, of Patterson Bluffs, Logan County, Ark.; (H. R. 3377) for relief of the estate of Charles Lobell; (H. R. 6168) for the relief of Mrs. Elizabeth L. Traweek, of Sebastian County, Ark.; (H. R. 6164) for the relief of James A. Mitchell, of Sebastian County, Ark.; (H. R. 3829) for the relief of Henry W. Long; (H. R. 3383) for the relief of Elvy Brewer, of Saline County, Ark., with a resolution that they be referred to the Court of Claims. (Report No. 657.)

Also, the bills (H. R. 807) for the relief of James R. Lafferay; (H. R. 6841) for the relief of Abner D. Lewis, of Pope County, Ark.; (H. R. 4306) for the relief of William Crow, of Okolona, Clark County, Ark.; (H. R. 2881) for the relief of Martha A. Lanford; (H. R. 2882) for the relief of John J. Govan; (H. R. 1042) for the relief of the estate of Richard Higgins, late of Phillips County, Ark.; (H. R. 4662) for the relief of Thomas Wallace, of Phillips County, Ark., with a resolution that they be referred to the Court of Claims. (Report No. 658.)

Also, the bills (H. R. 3290) for the relief of J. W. Simmons, of Fayette County, Tenn.; (H. R. 3292) for the relief of Mrs. W. A. Scott, of Hardeman County, Tenn.; (H. R. 1839) for the relief of Martha A. Booth, administratrix; (H. R. 3289) for the relief of estate of George W. Reeves, deceased, late of Fayette County, Tenn.; (H. R. 3293) for the relief of the estate of Julius Walker, deceased, of Memphis, Shelby County, Tenn.; (H. R. 1850) for the relief of the legal representatives of Marcus Holbrook, deceased, of Shelby County, Tenn.; (H. R. 1846) for the relief of Joseph A. Hill, of Fayette County, Tenn., with a resolution that they be referred to the Court of Claims. (Report No. 659.)

Also, the bills (H. R. 2957) for the relief of Joel Cross, of Dade County, Ga.; (H. R. 5318) for the relief of Mary A. Bell, of Emanuel County, Ga.; (H. R. 4490) for the relief of the trustees of St. Philip's Church, of Atlanta, Ga.; (H. R. 7037) for the relief of the estate of Martin Frallex, deceased, late of Walker County, Ga.; (H. R. 5581) for the relief of Eli Frasuer, of Wilkinson County, Ga., with a resolution that they be referred to the Court of Claims. (Report No. 660.)

Also, the bills (H. R. 2831) for the relief of W. Dallas Haywood, of Raleigh, N. C.; (H. R. 6785) for the relief of Elizabeth T. Flowers and Sarah E. Bridges, of Wayne County, N. C.; (H. R. 5833) for the relief of the estate of Vasti Smith, deceased, of Wake County, N. C.; (H. R. 4079) for the relief of John C. McNeil, Cumberland County, N. C.; (H. R. 5033) for the relief of Zaddock Meaders; (H. R. 5032) for the relief of E. W. Pellitee; (H. R. 3540) for the relief of C. G. Holt, administrator of Wiley Holt, deceased, of Wayne County, N. C.; (H. R. 4967) for the relief of H. C. Nixon, of Chowan County, N. C.; (H. R. 2830) for the relief of Thomas R. Debnam, of Raleigh, N. C., with a resolution that they be referred to the Court of Claims. (Report No. 661.)

Also, a bill (H. R. 811) for the relief of James Miller, of Bourbon County, Ky. (Report No. 662.)

By Mr. PAGE of Rhode Island, from the Committee on Claims: A bill (H. R. 3716) for the relief of Charles T. Russell. (Report No. 663.)

A bill (H. R. 5242) for the relief of the estate of Horace Capron. (Report No. 664.)

A bill (H. R. 1497) for the relief of Lewis McKenzie. (Report No. 665.)

A bill (H. R. 2481) for the relief of the National New Haven Bank of the State of Connecticut. (Report No. 667.)

A bill (H. R. 3583) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army. (Report No. 668.)

By Mr. CLANCEY, from the Committee on War Claims: A bill (H. R. 2112) for the relief of Lewis D. Allen. (Report No. 669.)

A bill (H. R. 1019) for the relief of Jackson Briscoe. (Report No. 670.)

A bill (H. R. 2195) for the relief of Lewis D. Allen. (Report No. 671.)

A bill (H. R. 4384) for the relief of Mary E. Simerley, with a resolution that it be referred to the Committee on Claims. (Report No. 672.)

By Mr. COX of New York, from the Committee on Claims:

A bill (H. R. 4076) for the relief of the Old Dominion Steamship Company. (Report No. 673.)

A bill (H. R. 4013) for the relief of James E. Kelsey and others. (Report No. 674.)

A bill (H. R. 1036) for the benefit of Logan and Simpson Counties and of the city of Louisville, Ky., and Sumner and Davidson Counties, Tenn. (Report No. 675.)

A bill (H. R. 4969) for the relief of the heirs of Samuel Milliken, deceased. (Report No. 676.)

By Mr. LOUD, from the Committee on Claims: A bill (H. R. 3545) for the relief of Frank J. Burrows, late postmaster at Williamsport, Pa. (Report No. 677.)

Also, a bill (S. 1216) for the relief of William R. Wheaton and Charles B. Chamberlain, of California. (Report No. 686.)

By Mr. PEARSON, from the Committee on Invalid Pensions: A bill (H. R. 4728) to restore Mary E. Trickey and children of Hartwell M. Trickey to pension rolls. (Report No. 678.)

By Mr. WILSON of Missouri, from the Committee on Pensions:

A bill (H. R. 2397) granting a pension to Stark Frazier, with an amendment. (Report No. 679.)

A bill (H. R. 5365) granting a pension to Edward Thomas. (Report No. 680.)

A bill (H. R. 2164) granting an increase of pension to Andrew Kramer. (Report No. 681.)

By Mr. COBB of Missouri, from the Committee on War Claims: A bill (H. R. 4098) for the relief of William Wolfe. (Report No. 682.)

By Mr. WEVER, from the Committee on Claims: A bill (H.

R. 4057) to provide for the adjustment of certain accounts of Edwin A. Merritt. (Report No. 683.)

By Mr. PICKLER, from the Committee on War Claims: A bill (H. R. 6135) for the relief of the legal representatives of Thomas L. Young. (Report No. 684.)

By Mr. PAGE of Rhode Island, from the Committee on Claims: A bill (S. 726) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde Agency, State of Oregon. (Report No. 685.)

By Mr. BELTZHOVER, from the Committee on War Claims: A bill (H. R. 7771) for the relief of the Berks County Agricultural and Horticultural Society, of Berks County, Pa. (Report No. 698.)

#### ADVERSE REPORTS.

Under clause 24, Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. PAGE of Rhode Island, from the Committee on Claims: A bill (H. R. 5732) for the relief of William F. Wilson. (Report No. 666.)

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bill; which was re-referred as follows:

A bill (H. R. 6105) granting a pension to Thomas Williamson—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, severally read twice, and referred as follows:

By Mr. CURTIS: A bill (H. R. 7196) to abolish the punishment of death and substitute therefor imprisonment for life—to the Committee on the Judiciary.

Also, a bill (H. R. 7197) to define the crimes of murder in the first and second degree and manslaughter, and providing punishment thereof, and to abolish the punishment of death—to the Committee on the Judiciary.

By Mr. CRAIN: A bill (H. R. 7198) to authorize the Gulf, Kansas and Dakota Railroad Company to construct and operate a railroad, telegraph, and telephone line from Bismarck, N. Dak., through the States and nations in the Indian Territory via San Antonio, Tex., to the city of Brownsville, Tex., with branches to Corpus Christi, Aransas Harbor, Rockport, Port Lavaca, Valasco, and Galveston, in the State of Texas, granting to said railroad companies the right of way through the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. FELLOWS (by request): A bill (H. R. 7199) to amend section 766 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. STACKHOUSE: A bill (H. R. 7200) to equalize the burdens of taxation by creating graduated income tax—to the Committee on Ways and Means.

By Mr. WISE: A bill (H. R. 7201) to amend section 3355 of the Revised Statutes of the United States as amended by section 14, act of March 1, 1879, and section 3362 of the Revised Statutes of the United States as amended by section 14, act of March 1, 1879, and of January 9, 1883—to the Committee on Ways and Means.

By Mr. EZRA B. TAYLOR: A bill (H. R. 7202) for the amendment of section 2 of an act entitled "An act to restrict ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887—to the Committee on the Judiciary.

By Mr. SMITH of Arizona: A bill (H. R. 7203) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891—to the Committee on the Judiciary.

Also a bill (H. R. 7204) to provide for the admission of the State of Arizona into the Union, and for other purposes—to the Committee on the Territories.

By Mr. VINCENT A. TAYLOR: A bill (H. R. 7205) for the relief of certain officers of the volunteer army, and for other purposes—to the Committee on Military Affairs.

By Mr. HENDERSON of Iowa: A bill (H. R. 7206) further to regulate immigration and prevent the importation of aliens under contract to perform labor, and in amendment of the various acts pertaining thereto—to the Select Committee on Immigration and Naturalization.

By Mr. MEREDITH: A bill (H. R. 7207) to regulate the sale of distilled and fermented liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HARVEY: A bill (H. R. 7208) authorizing the Secre-

tary of the Interior to lay off in lots, blocks, parks, streets, and alleys certain lands in the Indian Territory, and to sell the same—to the Committee on Indian Affairs.

By Mr. COMPTON: A bill (H. R. 7209) to authorize the designation of lines of military operations in the vicinity of Mobile and the waters of Mobile Bay, 1861 to 1865—to the Committee on Military Affairs.

By Mr. DAVIS (by request): A bill (H. R. 7210) to require payment of pension money to wives in certain cases where male pensioners and persons entitled to pensions desert or abandon their families, or are habitual drunkards, or for any reason fail and neglect to support their families—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 7211) to annex a portion of the Choctaw Nation, Indian Territory, to the eastern judicial district of Arkansas for judicial purposes—to the Committee on the Territories.

By Mr. BINGHAM: A bill (H. R. 7212) to adjust the pensions of those who have lost limbs and have additional disabilities—to the Committee on Invalid Pensions.

By Mr. BACON: A bill (H. R. 7213) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876—to the Committee on Banking and Currency.

By Mr. CUMMINGS: A bill (H. R. 7214) to increase the efficiency of the coast defense—to the Committee on Naval Affairs.

By Mr. BANKHEAD: A bill (H. R. 7215) to amend section 19 of an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. FITCH: A bill (H. R. 7216) to authorize the registration of trade-marks and protect the same—to the Committee on Patents.

By Mr. GORMAN: A bill (H. R. 7217) to restore widows of Union soldiers and sailors to the right of pension—to the Committee on Invalid Pensions.

By Mr. JOSEPH: A bill (H. R. 7218) to aid the Territory of New Mexico to support a school of mines—to the Committee on the Public Lands.

By Mr. BRECKINRIDGE of Arkansas: A bill (H. R. 7219) to improve reserve bordering on Whittington avenue, on West Branch of Hot Springs Creek, Hot Springs, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. MARTIN: A resolution to amend clause 3, Rule XXVI, of the House rules—to the Committee on Rules.

By Mr. WISE: A memorial of the General Assembly of Virginia, requesting increased mail facilities in the country districts—to the Committee on the Post-Office and Post-Roads.

By Mr. BUCHANAN of Virginia: A memorial of the General Assembly of Virginia, for the erection of a monument to Matthew Fontaine Maury—to the Committee on the Library.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. HOOKER of Mississippi (by request): A bill (H. R. 7220) for the removal of charge of desertion of Samuel T. Loftin, Company E, First Louisiana Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. BAILEY (by request): A bill (H. R. 7221) for the relief of John H. Choice—to the Committee on War Claims.

By Mr. BUCHANAN of Virginia: A bill (H. R. 7222) for the relief of the estate of R. M. Ely—to the Committee on War Claims.

By Mr. CAMINETTI: A bill (H. R. 7223) for the relief of Gottlob Groezinger—to the Committee on Claims.

By Mr. COGSWELL: A bill (H. R. 7224) granting a pension to Mary H. Howard—to the Committee on Invalid Pensions.

By Mr. COBURN: A bill (H. R. 7225) granting a pension to Emily Leach—to the Committee on Invalid Pensions.

By Mr. COBB of Missouri: A bill (H. R. 7226) granting a pension to Julia P. Wright—to the Committee on Pensions.

Also, a bill (H. R. 7227) for the relief of Luigi Botto—to the Committee on War Claims.

By Mr. DALZELL: A bill (H. R. 7228) for the relief of Martha A. McMains—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 7229) for the relief of Henry C. Worthington—to the Committee on Military Affairs.

By Mr. ENGLISH: A bill (H. R. 7230) granting an honorable discharge to James Conover—to the Committee on Military Affairs.

By Mr. FUNSTON: A bill (H. R. 7231) to remove charges of desertion against Benjamin F. Samtaben—to the Committee on Military Affairs.

By Mr. FITCH: A bill (H. R. 7232) for the relief of Thomas J.

Ackerman, of New York City—to the Committee on the Post-Office and Post-Roads.

By Mr. GEISSENHAINER: A bill (H. R. 7233) granting a pension to Jacob Dissenger—to the Committee on Pensions.

By Mr. HAYES of Iowa: A bill (H. R. 7234) granting a pension to Mary Millard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7235) granting a pension to Mary A. Sipp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7236) granting a pension to Julia S. Tompkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7237) granting a pension to James N. Kirtley—to the Committee on Pensions.

Also, a bill (H. R. 7238) granting a pension to Amanda Ather-ton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7239) granting a pension to Elizabeth Boller—to the Committee on Invalid Pensions.

By Mr. Haynes of Ohio: A bill (H. R. 7240) granting a pension to Mrs. Barbara Bauman—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 7241) for the relief of Robert Raiford, deceased, late of Marshall County, Miss.—to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 7242) for the relief of the estate of William Robinson, deceased, late of Noxubee County, Miss.—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 7243) granting a pension to Ellen Connor, widow of Patrick Connor, deceased—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 7244) granting a pension to Florence Esther Williams, the blind daughter of Henry D. Williams, late a private in Company F, Sixty-fourth Regiment Illinois Volunteers—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 7245) for the relief of Jefferson Savage—to the Committee on Military Affairs.

By Mr. PIERCE: A bill (H. R. 7246) for the relief of Jesse L. Brandt, of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. SEERLEY: A bill (H. R. 7247) for the relief of William H. Manning—to the Committee on Claims.

By Mr. SNODGRASS (by request): A bill (H. R. 7248) for the relief of Agnes McIntyre, administratrix—to the Committee on War Claims.

By Mr. SANFORD: A bill (H. R. 7249) to increase the pension of Capt. John De Pass—to the Committee on Invalid Pensions.

By Mr. SCULL: A bill (H. R. 7250) for the relief of Andrew Shoenfelt—to the Committee on War Claims.

By Mr. SMITH of Illinois: A bill (H. R. 7251) granting an increase of pension to James I. Toler, late a private of Capt. John S. Hacker's company, Second Regiment of Illinois Foot Volunteers, in the Mexican war—to the Committee on Pensions.

Also, a bill (H. R. 7252) granting an increase of pension to Ira A. Millhorn, late of Company C, First Regiment of Second Call Illinois Volunteers, in the Mexican War—to the Committee on Pensions.

Also, a bill (H. R. 7253) granting an increase of pension to Rev. Christopher C. Cash, late of Company D, Eighteenth Regiment of Missouri Volunteer Infantry, in the war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7254) granting an increase of pension to David Horn, late of Company C, First Regiment of Ohio Infantry Volunteers, in the Mexican war—to the Committee on Pensions.

By Mr. VINCENT A. TAYLOR: A bill (H. R. 7255) granting a pension to Sarah E. Oviatt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7256) to amend the muster rolls of Company B, Ninth Regiment Pennsylvania Volunteers, so as to place thereon the name of William C. Armstrong—to the Committee on War Claims.

Also, a bill (H. R. 7257) granting a pension to Alonzo D. Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7258) granting increase of pension to Nathaniel L. Badger—to the Committee on Invalid Pensions.

By Mr. VINCENT A. TAYLOR: A bill (H. R. 7259) granting an increase of pension to Ebenezer G. Bigelow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7260) granting an increase of pension to George C. Abbey—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 7261) granting increase of pension to Jacob Telford—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 7262) for the relief of Levi B. Tarbox—to the Committee on Patents.

By Mr. WILSON of Kentucky: A bill (H. R. 7263) removing charge of desertion against George Pittman—to the Committee on Military Affairs.

Also, a bill (H. R. 7264) removing the charge of desertion against George W. New—to the Committee on Military Affairs.

Also, a bill (H. R. 7265) granting a pension to Lurena Wages—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 7266) for the relief of John McMurtrey, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 7267) to place Col. George W. Getty, retired, on the retired list of the Army with the rank of major-general—to the Committee on Military Affairs.

Also, a bill (H. R. 7268) for the relief of F. Varin—to the Committee on War Claims.

By Mr. WHITE: A bill (H. R. 7269) for the relief of Marcus D. Box, late of First Regiment Missouri Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7270) to remove the charge of desertion against John Farrell, late of Company F, Fifty-Fourth Indiana Volunteers—to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD (by request): Petition of Marcus Murray, late a private in Company B, Scott County (Mo.) Home Guards, asking for a pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Cape Girardeau, Mo., praying for the enactment of such legislation as will prevent the opening of the Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. BAILEY: Petition of John H. Choice, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BARWIG: Two protests from Fond du Lac County, Wis., against the repeal of the import duty on barley or any modification thereof—to the Committee on Ways and Means.

By Mr. BEEMAN: Petitions of Economy, Poplar Springs, and Wall Granges, of Mississippi, to encourage silk culture, favoring a pure-food law, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petitions of the same bodies, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the same bodies, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petitions of the same bodies to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, a petition of citizens of Jasper County, Miss., favoring the Washburn-Hatch anti-option bills—to the Committee on Agriculture.

By Mr. BELTZHOVER: Petition of citizens of Newburg, Pa., asking that the Columbian Exposition be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mount Holly Council, Order of United American Mechanics, asking amendment to immigration laws—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Mount Holly, Pa., asking for amendment of immigration laws—to the Select Committee on Immigration and Naturalization.

By Mr. BRETZ: Petition of James Reynolds and others, of Indiana, praying for the enactment of a law subjecting oleomargarine to the provisions of the laws of the several States—to the Committee on Agriculture.

By Mr. BRODERICK: Petition and memorial of E. T. Ukell and 50 others, of Nemaha County, Kans., against making appropriations for support of sectional institutions—to the Committee on the Judiciary.

Also, petition of J. E. Anderson and 250 others of Wamego, Kans., praying for relief of William Gregory and to accompany House bill 6553—to the Committee on Military Affairs.

By Mr. BROSIUS: Petitions of Octoraro Grange, of Pennsylvania, and Tulare Grange, of California, to prevent gambling in farm products and favoring a pure-food law—to the Committee on Agriculture.

Also, petition of the same bodies, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petition of the Octoraro Grange, to prohibit contracts discrediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

Also, petition of the same body, to encourage silk culture—to the Committee on Agriculture.

Also, petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE: Petitions of Pembroke, Island Falls, Mount Etna, and Valley Granges, of Maine, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petitions of the same bodies, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Pembroke, Island Falls, and Valley Granges, to encourage silk culture and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the Island Falls Grange, to prohibit contracts discrediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

By Mr. BRYAN: Petition of sundry citizens of Nebraska, in favor of the bill known as the Hatch bill, or the Senate bill known as the Washburn bill—to the Committee on Agriculture.

Also, petition of sundry citizens of same place, asking that the State of Nebraska be divided into two judicial districts—to the Committee on the Judiciary.

Also, two petitions of citizens of the State of Nebraska, in regard to court circuits in that State—to the Committee on the Judiciary.

By Mr. BUCHANAN of New Jersey: Petition of citizens of the United States in favor of increased pay for the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of New Jersey, asking for a law subjecting oleomargarine to provisions of the laws of the several States—to the Committee on the Judiciary.

By Mr. BURROWS: Petition of the Grand Rapids (Mich.) Board of Trade, asking for the immediate passage of some bill to establish a public telegraph system in the post-offices of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Four petitions of the following counties of Iowa: Howard, Blackhawk, Butler, and Dubuque, praying the retention of the tariff on barley—to the Committee on Ways and Means.

Also, petition of Upper Iowa University, praying the adoption of a constitutional amendment against the passage of any law establishing a religion, etc.—to the Committee on the Judiciary.

By Mr. COBURN: Resolutions of the Milwaukee Chamber of Commerce, favoring an amendment to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. COVERT: Petition of Morris J. Terry and others, for the promotion of the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CROSBY: Petition of O. M. Fernald and others, of Williamstown, Mass., for courts and a system of law upon Indian reservations—to the Committee on Indian Affairs.

Also, petition of Benjamin C. Warren and others, of Sheffield, Mass., for an amendment to the Constitution prohibiting a State from passing any law for the purpose of aiding by appropriation any religious denomination, etc.—to the Committee on the Judiciary.

By Mr. DALZELL: Two petitions, one of Acme Council, No. 219, American Defense Association, and the other Braddock Council, No. 299, in favor of the passage of a bill to amend the naturalization laws—to the Committee on the Judiciary.

By Mr. DANIELL: Petitions of nine granges in New Hampshire, favoring a pure-food law, to encourage silk culture, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same bodies, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petition of the same bodies, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the Granite Cutters' Union of New Hampshire, to prevent convicts from working on Government work—to the Committee on Labor.

By Mr. DINGLEY: Petitions of Lake, Mount Vernon, and Round Mountain Granges, of Maine, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petitions of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petitions of the same bodies, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petitions from Round Mountain, Bear Mountain, and Lake Granges, to prevent gambling in farm products—to the Committee on Agriculture.

Also, petitions of the Lake and Bear Mountain Granges, of Maine, to encourage silk culture—to the Committee on Agriculture.

Also, a petition of the Bear Mountain Grange, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petition of Albion P. Gamage and others, in regard to menhaden and mackerel fishing with purse seines—to the Committee on Merchant Marine and Fisheries.

By Mr. DIXON: Resolutions of the Bricklayers and Masons' International Union, No. 1, of Butte, Mont., in favor of a bill to amend and enforce the eight-hour law—to the Committee on Labor.

By Mr. DOLLIVER: Petition of sundry citizens of Iowa, asking that the present duty on barley of 30 cents per bushel be not reduced back to 10 cents—to the Committee on Ways and Means.

By Mr. FITHIAN: Memorial to Congress for a national alphabet—to the Committee on Education.

Also, petition of citizens of Clark County, Ill., in favor of the Hatch bill—to the Committee on Agriculture.

By Mr. GEISSENHAINER: Petitions of Liberty Grange, of New Jersey, favoring a pure-food law, to encourage silk culture, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

By Mr. GILLESPIE: Petition of 3,530 persons in Beaver County, Pa., asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 102 members of Presbyterian Church at Wampum, Pa., and 110 members of Presbyterian Church at Moravia, Pa., asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petitions of 166 citizens of Beaver County, Pa.; of 120 citizens of Butler County, Pa.; of 75 citizens of Lawrence County, Pa., asking passage of "An act in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor"—to the Committee on the Judiciary.

By Mr. HALL: Petition of citizens of McLeod County, Minn., for the passage of anti-option bill—to the Committee on Agriculture.

By Mr. HARE: Petition of George Rood and others, of Crawford and Wyandot Counties, Ohio, for legislation against gambling in farm products—to the Committee on Agriculture.

By Mr. HARTER: Petitions of Green Valley, Trenton, and Weller Granges, of Ohio, to prevent gambling in farm products—to the Committee on Agriculture.

Also, petitions of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petitions of the same bodies, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Weller and Trenton Granges, to encourage silk culture, and of the Trenton Grange for a pure-food law—to the Committee on Agriculture.

Also, petition of the Weller Grange, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petitions of Sullivan Grange, of Ohio, favoring a pure-food law, to prevent gambling in farm products, and to encourage silk culture—to the Committee on Agriculture.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the citizens of Ashland, Ohio, favoring an anti-option law—to the Committee on Agriculture.

Also, petition of the same parties, favoring a pure-lard law—to the Committee on Ways and Means.

Also, five petitions of citizens of Galion, Crawford County, Ohio, praying for extension of free mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Presbyterian Church of Ashland County, Ohio, praying for the control of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HAUGEN: Petition of I. N. Bye and 5 other citizens of Polk County, Wis., asking passage of the Washburn-Hatch anti-option bill—to the Committee on Agriculture.

Also, memorial of the Chamber of Commerce of Milwaukee, Wis., in favor of so amending the interstate-commerce law as to require uniform bills of lading and to prevent carriers engaged in interstate commerce from limiting their common-law liability as common carriers—to the Committee on the Judiciary.

Also, remonstrance of Col. C. R. Gill Post, Grand Army of the Republic, of Loyal, Clark County, Wis., against the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of J. H. Stout and 114 other citizens of Menomonee, Wis., praying for passage of Senate bill 252, extending free

delivery of mail—to the Committee on the Post-Office and Post-Roads.

Also, petition of James Porter and 12 other citizens of Polk County, Wis., in favor of passage of the Washburn-Hatch anti-option bill—to the Committee on Agriculture.

By Mr. HAYES of Iowa: Petition of citizens of Iowa City, Iowa, against the option bill—to the Committee on Agriculture.

By Mr. HAYNES of Ohio: Memorials of 169 citizens of the Seventh Congressional district of Ohio, in favor of legislation prohibiting landing on our shores of pauper and criminal immigrants—to the Select Committee on Immigration and Naturalization.

Also, eleven petitions of churches and schools of Toledo, Ohio, as follows: Third Presbyterian, St. John Methodist Episcopal, Third Baptist, Lagrange Street Congregational, Second Baptist, First Presbyterian, Broadway Methodist Episcopal, Adams Street Mission Sabbath school, Sunday school of the Sargeant Baptist Society, Presbyterian of Maumee, and the Fifth Presbyterian of Toledo—to the Select Committee on the Columbian Exposition.

By Mr. HEARD: Petitions of citizens of Hermitage, Wheatland, Quincy, Galmey, Preston, Cornersville, Avery, Weaubleau, Roney, Almon, Pittsburg, Lone Spring, and Elkton, of Hickory County, Mo., for increase of compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Cooper County, Mo., in favor of legislation to suppress option dealing in farm products—to the Committee on Agriculture.

By Mr. HITT: Petition of Mr. Cosgrove and others, of Crawford and Wyandot Counties, for legislation against gambling in farm products—to the Committee on Agriculture.

By Mr. HOUK of Ohio: Petitions of Jackson, Clay, and Oxford Granges, of Ohio, to prevent gambling in farm products—to the Committee on Agriculture.

Also, petitions of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petitions of the Jackson and Clay Granges, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petitions of the same bodies, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Oxford Grange, favoring a pure-food law, and of the Jackson Grange, to encourage silk culture—to the Committee on Agriculture.

By Mr. HUFF: Petitions of 5,920 persons, asking that the World's Fair be closed on the Sabbath in accordance with the law of God, the rights of man, and the precedents of our American history—to the Select Committee on the Columbian Exposition.

Also, of citizens of Westmoreland County, Pa., praying for the passage of House bill 401, entitled "An act in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor"—to the Select Committee on Immigration and Naturalization.

Also, resolution of the Paint Club, of Philadelphia, Pa., relative to the consolidation of the third and fourth class mail matter and the betterment of our postal facilities—to the Committee on the Post-Office and Post-Roads.

Also, protest of the United Presbyterian Church of New Alexandria, Westmoreland County, Pa., against the opening of the World's Fair on Sunday and the sale of liquor within the Exposition, and requesting that the art department be conducted according to the American standard of purity in art—to the Select Committee on the Columbian Exposition.

Also, petitions of Good Intent, Ligonier, Mendon, Blue Point, Delmont, and Ridge Granges, of Pennsylvania, favoring a pure-food law and to encourage silk culture—to the Committee on Agriculture.

Also, petitions from the same bodies, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petition of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petitions of the same bodies, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Allegheny Grange, for a pure-food law, and the Ridge Grange, to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the Allegheny Grange, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the Allegheny Grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Petition of C. A. Hirschman and 34 others, citizens of Des Moines, Polk County, Iowa, in favor of a law prohibiting options—to the Committee on Agriculture.

By Mr. JONES: Petitions of Pungateague and Virginia, State Granges of Virginia, favoring a pure-food law, to encourage silk culture, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petitions of the same bodies, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petitions of the same bodies, for free distribution of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

By Mr. KETCHAM: Petitions numerous signed by citizens of Poughkeepsie, N. Y., for the enactment of laws to prohibit from landing on our shores all paupers, criminals, etc., and for an amendment to the Constitution permitting only citizens to vote—to the Select Committee on Immigration and Naturalization.

By Mr. KRIBBS: Resolutions of Kylertown Council, No. 310, Order of United American Mechanics, of Pennsylvania, representing 112 citizens, in favor of amending the naturalization laws—to the Select Committee on Immigration and Naturalization.

Also, resolution of Clarion, (Pa.) Council, No. 404, representing 120 citizens, in favor of amending naturalization laws—to the Select Committee on Immigration and Naturalization.

Also, petition of 119 citizens of Foxburg, Pa., in favor of House bill 401, relating to immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of sundry citizens of Rock Springs and vicinity, Pennsylvania, in favor of a constitutional amendment prohibiting any State from establishing, aiding, or supporting any sectarian institution—to the Committee on the Judiciary.

By Mr. KYLE: Petition of Tippah County Farmers' Alliance, of Mississippi, urging the speedy passage of the subtreasury bill or something better, the bill for the unlimited coinage of silver, and the land-loan bill—to the Committee on Ways and Means.

Also, memorial of Kingdom Grange, No. 416, urging the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition of the same body, for the passage of the bill now pending in the House, making certain issues of money full legal tender in payment of all debts—to the Committee on Ways and Means.

Also, petition of the same body, setting forth the importance to the farmers of the country of extending the free delivery of mails to rural districts, and asking that prompt action be taken by Congress to secure the same—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, urging the importance to the farmers of the country of legislation for the encouragement of silk culture, and also of a law to prevent gambling in farm products, otherwise known as dealing in options or futures—to the Committee on Agriculture.

Also, petition of the same body, for the passage of a law to prevent the adulteration of food and drugs—to the Committee on Interstate and Foreign Commerce.

By Mr. LANHAM: Petition of citizens of Green County, Tex., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. LAYTON: Petitions of Lafayette Grange, of Ohio, to encourage silk culture and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of J. Dicus and 36 other citizens of Putnam County, Ohio, for an amendment to the Constitution of the United States prohibiting any State from passing laws establishing religion, etc.—to the Committee on the Judiciary.

By Mr. LITTLE: Petition of citizens of New York, for a sixteenth amendment to the Constitution prohibiting the establishment of any form of religion or appropriating money to any institution wholly or in part under sectarian control—to the Committee on the Judiciary.

By Mr. LODGE: Petition of George O. Shattuck and 86 others, of Boston, for the establishment of a system of laws in and for Indian reservations—to the Committee on the Judiciary.

Also, petition of H. P. Bonditch, M. D., for the adoption of the metric system in the customs service—to the Committee on Coinage, Weights, and Measures.

Also, memorial and petition of Albert H. Plumb and 44 others, for an amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of W. A. Carter and 229 others, for the regulation of immigration and citizenship—to the Select Committee on Immigration and Naturalization.

Also, petition of Frederic Taylor and 175 others, for same—to the Select Committee on Immigration and Naturalization.

Also, resolutions of General Court of Massachusetts, relative to the manufacture of clothing in unhealthy places and the sale or transportation of clothing so manufactured—to the Committee on Manufactures.

By Mr. McALEER: Petition of citizens of the Third Congressional district of Pennsylvania, urging Congress to pass a law to prevent the landing of criminals and pauper immigrants, and the submission of a constitutional amendment in relation thereto—to the Select Committee on Immigration and Naturalization.

By Mr. McCLELLAN: Petition of E. L. Almstead and 27 others, of Milgrove Township, Steuben County, Ind., for free delivery of mails in country districts before any other changes or improvements are made in the postal system—to the Committee on the Post-Office and Post-Roads.

By Mr. McKEIGHAN: Petition of citizens of Nebraska, praying for the passage of an antioption bill—to the Committee on Agriculture.

By Mr. McRAE: Petition of the Merchant Tailors' Exchange of Little Rock, Ark., in favor of the Torrey bankrupt bill—to the Committee on the Judiciary.

Also, petition of 8 citizens of Hot Springs, Ark., in favor of House bill 5060—to the Committee on Public Buildings and Grounds.

Also, resolutions of Unity Alliance, No. 7, Clark County, Ark., in favor of the Livingston subtreasury bill—to the Committee on Agriculture.

Also, petition of William Wilson, late private Company B, One hundred and eighteenth Ohio Volunteer Infantry, now in Arkadelphia, Ark., for increased pension—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Memorial of the Maine Commission of Sea and Shore Fisheries—to the Committee on Merchant Marine and Fisheries.

By Mr. OATES: Petitions of Mount Pleasant, Grange of Alabama, favoring the pure-lard bill, a pure-food law, to encourage silk culture, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, a petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

Also, a petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. PAGE of Rhode Island: Petition of Alfred Dawson and 41 other citizens of Rhode Island, for an act placing postage stamps and other articles on the free list—to the Committee on Ways and Means.

By Mr. PEARSON: Petition of Samuel S. Hofer and 23 others, of Monroe County, Ohio, praying for the passage of House bill 401—to the Select Committee on Immigration and Naturalization.

By Mr. PERKINS: Petition of 46 citizens of Dickinson County, Iowa, in behalf of regulating speculation in fictitious products—to the Committee on Agriculture.

By Mr. RAINES: Petition of citizens of Seneca, for free delivery of mails in rural districts—to the Committee on the Post-Office and Post-Roads.

By Mr. SANFORD: Petition of 41 citizens of the town of Perth, County of Fulton, N. Y., to increase the compensation of postmasters of the fourth class—to the Committee on the Post-Office and Post-Roads.

By Mr. SCOTT: Petition of citizens of Le Roy, Ill., against the Hatch and Washburn antioption bills—to the Committee on Agriculture.

By Mr. SCULL: Petition of citizens of Cambria County, Pa., to restrict immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of Charlesville Grange, of Pennsylvania, to prevent gambling in farm products and favoring the encouragement of silk culture—to the Committee on Agriculture.

Also, petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

By Mr. SMITH of Illinois: Petition of 24 citizens of Carbonale, favoring the adoption of a sixteenth amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petitions of Villa Ridge Grange, of Illinois, to prevent gambling in farm products, to encourage silk culture, and favoring a pure-food law—to the Committee on Agriculture.

Also, petition of the same body, for free delivery of rural mail—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

By Mr. WILLIAM A. STONE: Petition for passage of House bill 401, for restriction of immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Portage County, Ohio, praying for a law to restrict immigration, etc.—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Allegheny County, Pa., for the same purpose—to the Select Committee on Immigration and Naturalization.

Also, two memorials of Pittsburg Coal Exchange, against passage of Senate bill 1755—to the Committee on Interstate and Foreign Commerce.

By Mr. STORER: Memorial and petition from Hamilton County Association, Grand Army of the Republic, as to change in civil service laws—to the Select Committee on Reform in the Civil Service.

Also, memorial and resolutions of the Ohio Liberal Society, of Cincinnati, against closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STOUT: Petitions of Clayton Grange, Michigan, on various pending agricultural bills—to the Committee on Agriculture.

Also, petitions of White Oak Grange, of Michigan, on various pending agricultural bills—to the Committee on Agriculture.

Also, petitions of Birmingham Grange, on various pending agricultural bills—to the Committee on Agriculture.

Also, petition of Farmington Grange, in favor of pure food, pure lard, and sundry other agricultural bills—to the Committee on Agriculture.

Also, petition of citizens of Brighton, Mich., against restricting future sales of produce—to the Committee on Agriculture.

Also, petition of citizen soldiers of Rochester, Mich., against the passage of free-coinage bill—to the Committee on Coinage, Weights, and Measures.

By Mr. EZRA B. TAYLOR: Petition of citizens of Portage County, Ohio, in favor of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. JOSEPH D. TAYLOR: Forty memorials and petitions of American citizens containing 1,140 signatures, residents of Ohio, against indiscriminate immigration and naturalization, and praying for legislation to prohibit the landing of certain classes of immigrants, and for an amendment to the Constitution of the United States, as follows: "That no State shall grant the right of suffrage to any person not a citizen of the United States"—to the Select Committee on Immigration and Naturalization.

Also, petition of 367 citizens of Wellsville, Columbiana County, Ohio, praying for the passage of Senate bill 254, entitled a bill extending the privileges of the free delivery of mails—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Ohio Council, No. 48, Junior Order of United American Mechanics, of Steubenville, urging the passage of a bill to amend the naturalization laws as agreed upon and reported by the Judiciary Committee of the House—to the Committee on the Judiciary.

Also, petition of 196 citizens of Harrison County, Ohio, praying for the passage of House bill 401, introduced by Hon. WILLIAM A. STONE, of Pennsylvania—to the Select Committee on Immigration and Naturalization.

Also, petition signed by 360 ladies of Medina, Ohio, asking that any money appropriated to the World's Fair be on two conditions: First, that the gates be closed on Sunday; second, that no intoxicating liquor be sold on the grounds—to the Select Committee on the Columbian Exposition.

By Mr. VINCENT A. TAYLOR: Memorial of Bricklayers' Union, No. 5, of Cleveland, Ohio, indorsing House bill 257, favoring the eight-hour law—to the Committee on Labor.

Also, resolutions of Second Congregational Church, of Oberlin, Ohio, favoring closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Lorain, Ohio, praying for passage of bill for Seaman's Home—to the Committee on Merchant Marine and Fisheries.

Also, memorial of 81 citizens of Summit County, Ohio, praying for restriction of immigration, favoring House bill 401—to the Select Committee on Immigration and Naturalization.

Also, memorial of 114 citizens of Brooklyn Village, Ohio, opposing appropriations of public funds to sectarian institutions—to the Committee on the Judiciary.

Also, memorial of citizens of Steuben, Huron County, Ohio, opposing appropriation of public funds for sectarian institutions—to the Committee on the Judiciary.

By Mr. TOWNSEND: Petition of the United Presbyterian Congregation of Loveland, Colo., to close the World's Fair on the Sabbath, to prevent the sale of liquors within the exhibition, and to have the art department managed with purity generally recognized in the United States—to the Select Committee on the Columbian Exposition.

Also, petitions of Sopris Grange, of Illinois, favoring a pure-food law, to encourage silk culture, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same body, favoring the pure-lard bill—to the Committee on Ways and Means.

Also, petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHINGTON: Petitions of Tarsus Grange, of Tennessee, favoring the pure-lard bill, a pure-food law, to encourage silk culture, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, a petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, a petition of W. F. Moore and 30 other citizens of Morgan County, favoring a pure-food law—to the Committee on Agriculture.

Also, a petition of the citizens of Montgomery County, in favor of the Washburn-Hatch anti-emption bills—to the Committee on Agriculture.

By Mr. WILLIAMS of Illinois: Petition of Dillon Post, No. 328, Grand Army of the Republic, in opposition to the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. WHITE: Four petitions of citizens of Mills, Keokuk, Wapello, and Calhoun Counties, Iowa, for the passage of the anti-emption bill—to the Committee on Agriculture.

Also, petitions of citizens of Bloomfield, Davis County, Iowa, for the revision and simplifying of the system of spelling—to the Committee on Education.

By Mr. WOLVERTON: Petition of citizens of Northumberland County, Pa., for restriction of immigration—to the Select Committee on Immigration and Naturalization.

Also, memorial and petition of 780 persons of the Seventeenth Congressional District of Pennsylvania, in relation to foreign immigrants and praying for the amendment of the laws on immigration and naturalization and citizenship, and the submission to the people of an amendment to the Constitution of the United States, as follows: "No State shall grant the right of suffrage to any person not a citizen of the United States"—to the Committee on the Judiciary.

## SENATE.

TUESDAY, March 15, 1892.

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

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

### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 1, 1890, a report from the Commissioner of Patents relative to the amount of all moneys received by the United States Patent Office from inventors since the establishment of that Bureau, etc.; which was read.

Mr. FAULKNER. I move that the communication, with the accompanying paper, lie on the table and be printed. I offered the resolution of February 1 with the intention of introducing a bill based upon information to be conveyed to the Senate in the report now presented.

The motion was agreed to.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Richard L. Busch, of Fieldon, Ill., praying for the passage of the anti-emption bill; which was referred to the Committee on the Judiciary.

Mr. VEST presented the petition of J. M. Sherman and other citizens of St. Charles County, Mo., and the petition of Edward Sole and other citizens of Cooper County, Mo., praying for the passage of the Washburn-Hatch anti-emption bills; which were referred to the Committee on the Judiciary.

He also presented the petition of J. Younkman and other citizens of Maryville, Mo., and the petition of George D. Bowman and other citizens of Hopkins, Mo., praying for an amendment to the