

## HOUSE OF REPRESENTATIVES.

SATURDAY, December 17, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

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

## EXPLANATION OF A VOTE.

Mr. GAINES. Mr. Speaker, I voted on yesterday against the banking bill, and thought the gentleman from New York, Mr. BENNETT, with whom I was paired, was present and also voting. I see from the RECORD this morning that he was not present. I desire to withdraw my vote in the negative, and be recorded simply as present and paired with the gentleman from New York, Mr. BENNETT. I ask also that the Journal may be corrected in accordance with this statement.

The SPEAKER. The Chair thinks the record can not be changed, but the explanation of the gentleman will be in the CONGRESSIONAL RECORD.

## RIGHT OF WAY, SAGINAW SOUTHERN RAILROAD COMPANY.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11061) granting the Saginaw Southern Railroad Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

That the Saginaw Southern Railroad Company, a corporation created and existing under the laws of the Territory of Arizona, is authorized to construct and maintain a railroad over and through the San Francisco Mountains Forest Reserve (hereinafter reserved from entry and settlement and set apart as a public reserve by William McKinley, President of the United States, by proclamation dated the 17th day of August, 1898). Said railroad to be constructed upon and across the said San Francisco Mountains Forest Reserve from a point on the line of the Santa Fe Pacific Railroad Company at the town of Williams, in the county of Coconino, Territory of Arizona, thence in a southerly direction by the most practical route to the town of Jerome, in the county of Yavapai, Territory of Arizona, so to construct and maintain such side tracks, extensions, switches, and spurs as may be necessary to the convenient construction and maintenance of said railroad in the said counties of Coconino and Yavapai; said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, said act being hereby made applicable to the right of way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside of the right of way herein granted.

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

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

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

R. E. VAUGHAN.

Mr. COONEY. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the bill I send to the desk—a bill (H. R. 2890) for the relief of R. E. Vaughan.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

*Be it enacted, etc.* That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. E. Vaughan the sum of \$25, for services rendered to the Government in the case of the United States against Peter S. Morrison in the United States court for the western district of Missouri.

There being no objection, the bill was considered, and ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

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

## NAVIGATION LAWS, HAWAIIAN ISLANDS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11186, a bill to extend the laws relating to commerce, navigation, and merchant seamen over the Hawaiian Islands ceded to the United States.

The SPEAKER. The bill will be read.

The bill was read, as follows:

*Be it enacted, etc.* That the laws of the United States relating to commerce, navigation, and merchant seamen are hereby extended to and over the island of Hawaii and all adjacent islands and waters of the islands ceded to the United States by the Government of Hawaii and accepted by joint resolution of Congress approved July 7, 1898, so far as such laws may be applicable.

SEC. 2. That the Commissioner of Navigation may make such regulations as he may deem expedient for the nationalization of all vessels owned by actual residents of the islands ceded, as aforesaid, on the 7th day of July, 1898, and which continued to be so owned up to the date of such nationalization.

SEC. 3. That the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

The amendment recommended by the Committee on the Merchant Marine and Fisheries was read, as follows:

Strike out, in line 12, section 2, the words "actual residents" and insert the word "citizens."

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

There was no objection.

Mr. MCRAE. Mr. Speaker—

Mr. PAYNE. The first question, I believe, Mr. Speaker, will be on the amendment?

Mr. MCRAE. Mr. Speaker, I want to move another amendment.

The SPEAKER. Does the gentleman object?

Mr. MCRAE. No, sir; but I would like to propose a further amendment.

The SPEAKER. What amendment does the gentleman wish to offer?

Mr. RICHARDSON. Was consent given for the consideration of the bill? I did not think the Chair had submitted the request.

The SPEAKER. The Chair submitted the request and asked if there was objection, and no objection was made.

Mr. MCRAE. That is correct. The statement was made from the Chair that no objection was made.

I want to propose an amendment to extend the act of February 25, 1885, known as the anti-alien contract law, over these islands.

Mr. PAYNE. Mr. Speaker, I can not yield for that purpose. It would not be germane to this bill. I move the previous question.

Mr. MCRAE. That seems hardly fair after unanimous consent has been given. But this seems to be germane anyhow. These people are transported there—

The SPEAKER. The gentleman from New York demands the previous question.

Mr. MCRAE. Then, Mr. Speaker, I would like to be heard just for a word on this point.

The SPEAKER. But until the demand for the previous question has been decided that would not be in order.

Mr. MCRAE. Then I hope it will be voted down.

The SPEAKER. The gentleman from New York demands the previous question on the bill and amendments.

The previous question was not ordered.

Mr. MCRAE. Mr. Speaker, I want to say that I realize that this bill is perhaps a proper one, but I want to repeat what I tried to say on yesterday, that there are other laws of the United States that ought to be extended to those islands. The report of the commission appointed by Congress discloses the necessity for other United States laws. A bill proposing a code of laws for that island has been referred to the Committee on Territories. A part of that bill ought to be considered by the Committee on Territories.

But there are many questions involving all of the laws of this country applicable to Territories, such as has been proposed by this bill, such as was proposed by the bill on yesterday—the public-land laws and the anti-contract-labor laws, etc.—and it seems to me that we ought to extend those laws which the commission report to be of the greatest and most pressing necessity.

I therefore believe that this bill ought to be amended so as to let the people of this country and the people of that country understand that the anti-contract labor laws in force in this country shall be extended to that Territory. A system of labor prevails there which is an outrage upon the civilization of this country, and it is a disgrace to this Congress to refuse, at the earliest moment, to pass a law which will extend the operations of the labor laws in force in this country to that island.

Mr. DOCKERY. As I understand, the gentleman seeks to protect American labor from the competition of contract labor.

Mr. MCRAE. Certainly. And contract labor is distinctly recognized by the laws of Hawaii, laws which we temporarily adopted by the annexation resolution; and when we undertake to extend the navigation laws and the revenue laws over those people, we ought to say to the honest laboring men, both here and there, that at least the iniquitous labor laws of Hawaii shall be suspended until we can have an opportunity to pass upon these questions.

Now, Mr. Speaker, I move as an amendment to this bill the text of a bill which I introduced this morning, to extend the act of February 26, 1885, to these islands. I propose it as a new section.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert a new section, to stand as section 4, and to read as follows:

"SEC. 4. That the act approved February 26, 1885, 'to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia,' be, and the same is hereby, extended to the Hawaiian Islands."

Mr. PAYNE. I make the point of order that that is not germane to the bill.

The SPEAKER. The Chair will hear the gentleman from Arkansas.

Mr. MCRAE. Mr. Speaker, I have but little to say upon that. This bill relates to the navigation laws. These contract laborers have been and are being imported in the vessels that touch at that place, and it seems to me that my amendment is germane to it.

Mr. DOCKERY. You want to prevent the transportation of contract laborers?

Mr. MCRAE. I seek to prevent the transportation companies, as the act of February 26, 1885, does, from transporting contract laborers. The transportation companies are prohibited from bringing them into this country, and by extending this act they will be prohibited from carrying them into that country, and it seems to me it is germane. But if there is any doubt in the mind of the Speaker about the question, it ought, I think, be submitted to the House, because it involves the rights and interests of American laborers.

Mr. GAINES. Do you think that we have a right to prohibit the bringing of Hawaiian Chinese into this country?

The SPEAKER. The Chair thinks the amendment is not germane.

Mr. MCRAE. I respectfully appeal from the decision of the Chair.

Mr. PAYNE. I move to lay the appeal upon the table.

The SPEAKER. The gentleman from Arkansas appeals from the decision of the Chair, and the gentleman from New York [Mr. PAYNE] moves to lay the appeal on the table. As many as are in favor say "aye," those opposed "no."

The question was taken, and on a division (demanded by Mr. MCRAE) there were—ayes 65, noes 44.

Mr. MCRAE. Mr. Speaker, I ask for the yeas and nays.

Mr. PAYNE. I called up this bill this morning by consent of my colleague [Mr. SHERMAN], who desires to bring up the Indian appropriation bill. If the gentleman wants to insist upon this method of interfering, I shall have to withdraw the bill.

Mr. MCRAE. I certainly insist upon it.

Mr. PAYNE. Then I ask unanimous consent to withdraw the bill.

The SPEAKER. The gentleman from New York asks to withdraw the bill.

Mr. MCRAE. By unanimous consent? I make no question about that if he wants to withdraw the bill.

Mr. RICHARDSON. Mr. Speaker, the previous question not being ordered, I think the gentleman can withdraw the bill.

The SPEAKER. The previous question has not been ordered, and no action has been taken by the House. The Chair thinks the gentleman may withdraw the bill. The bill is accordingly withdrawn.

#### INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11217—the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11217. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11217) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling various treaty stipulations with Indian tribes, for the fiscal year 1890, and for other purposes.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

There was no objection.

Mr. SHERMAN. Mr. Chairman, the report upon this bill is numbered 1684. The bill is based upon the estimates submitted by the Treasury Department, and they are in the Book of Estimates, which is a public document in the document room. The bill carries appropriations in excess of the estimate amounting to \$277,948.46, but the other items contained in the bill which carry appropriations have been asked for by a supplemental estimate, either by the Commissioner of Indian Affairs or by the Secretary of the Interior. There is no appropriation carried in the bill that has not the approval either of the Bureau or of the Department. The bill carries an appropriation amounting to \$326,000 less than the appropriation bill of last year. The portion of the bill wherein the greatest amount of decreases are found is that which fulfills treaty stipulations with the various Indian tribes; and in that portion of the bill there is a decrease of \$582,420.03.

The increases in the bill are mainly for educational purposes—for erection of schools and for education in schools already established, for a greater number of scholars than was educated there during the last fiscal year. The bill in miscellaneous expenses, while it carries an amount less than was appropriated last year, carries an amount greater than we find in the Treasury estimates; but these increases are estimated for in the supplemental estimates received from the Secretary of the Interior; and the increase is accounted for largely, if not entirely, by the additional requirements made upon the so-called Dawes Commission to the Five Civilized Tribes, for carrying out the provisions of the act

of June last, known as the Curtis bill. The increase for supporting the schools—

Mr. DOCKERY. Will the gentleman in charge of the bill kindly refer to the paragraphs proposing to execute the Curtis Act?

Mr. SHERMAN. It is on page 41 of the bill.

As I said, Mr. Chairman, the largest increase in the bill is for the support of schools; and I might say, in passing, that the growth in the number of Indian pupils in this country has been very great. In 1877 the gross appropriation was but \$20,000 for the education of Indian pupils, and there were then less than 4,000 Indian pupils educated in the country. To day we appropriate more than two and a half millions. The enrollment of scholars, in round numbers, is 25,000 and the average attendance 20,000, and then there were included the Indians in the Indian Territory schools in which Indians were educated. There are to-day 295 Indian schools, maintained either from gratuity funds or from treaty funds under the control of the Department. The bill does not contemplate the continuance of any appropriation for any contract school, save only the school at Hampton, in the State of Virginia. All other schools that are appropriated for in this bill are the property of the United States Government. The question of sectarian schools is eliminated in all the provisions of the bill.

I think that quite briefly covers all points in the bill as now presented.

Mr. DOCKERY. I desire to ask the chairman of the committee the necessity for reenacting sections 6 and 7 of the bill, which are carried in the bill for the current year and are permanent law.

Mr. SHERMAN. There is no necessity for it. They can be stricken out when we reach them.

Mr. DOCKERY. Then I will be glad if the gentleman will state at this time to the House the reasons for the incorporation of sections 9 and 10 in the bill. These are new legislative propositions.

Mr. SHERMAN. They are the only provisions for new legislation, and they are put in to meet this condition of affairs: It is now incumbent on the Secretary, in paying out money per capita, to pay directly to the Indians, not to pay to any tribal treasurer or anything of that kind, and it frequently occurs that Indians are away at school or off at the reservations, so there is great difficulty in finding them, and sometimes the payments are not made at all, and these provisions are put in so the Department may, in its discretion, pay to some other person for the benefit of the Indians where they can not be found.

Mr. DOCKERY. I desire to ask the chairman what is the age under the existing law?

Mr. SHERMAN. There is no constitutional age under existing law.

Mr. DOCKERY. That is, the age to give them the right to receive and receipt for annuity money?

Mr. SHERMAN. There is no constitutional age, and so I assume the age to be 21 years.

Mr. DOCKERY. Does not the gentleman think the provision in section 9 is possibly attended with some danger to the Indians?

Mr. SHERMAN. Well, they can receipt for it if found. My former explanation referred to section 10. That was so the payment could be received and used for their benefit if, in the judgment of the Secretary, it is best.

Mr. DOCKERY. That seems to open the door somewhat.

Mr. SHERMAN. It does somewhat; there is no question about that, but it is a recommendation that the Commissioner of Indian Affairs makes and urges as being of considerable importance and value. There is no question but that it opens the door as far as that is concerned.

The only other question about which I was to speak was that of the education of the white children in the Indian Territory, and I shall not, Mr. Chairman, go at all into detail in reference to this question, because my colleague from Arkansas [Mr. LITTLE] will discuss that fully when he obtains the floor. At the proper time in the bill a committee amendment will be offered to cover this proposition, and the reason for filing the amendment will be explained by the gentleman from Arkansas. That is all I care to say, and I will yield to the gentleman from Arkansas such time as he desires.

Mr. BURKE. Will the gentleman the chairman of the committee yield to me for a question at this point?

Mr. SHERMAN. Certainly.

Mr. BURKE. I notice the appropriation for schools shows the number of pupils in the schools except in reference to the Carlisle School in Pennsylvania, where there is no number given. Will the chairman state how many children there are at the Carlisle School?

Mr. SHERMAN. At the present time there are eight hundred and some odd pupils in actual attendance. It is proposed by this bill to increase the appropriation. It is proposed to educate in that institution hereafter at least 1,000 pupils.

Mr. BURKE. I see there is an appropriation of \$150,000, but there is no number of pupils mentioned.

Mr. SHERMAN. No; the appropriation for that school has been for some years worded differently from that of any other school. As a matter of fact, in my judgment the children that go to the Carlisle School are better educated than any other Indians in this country.

Mr. BROWN. Will the chairman allow me a question?

Mr. SHERMAN. Certainly.

Mr. BROWN. Is there any increase in the number of officers and agents of the Indian Department provided for by this bill?

Mr. SHERMAN. We do not, in the Indian appropriation bill, legislate for any officers in the Department proper, only in field work, except the Dawes Commission is authorized to employ certain additional employees to carry out the provisions of the Curtis Act, and except for one additional agency up in Wisconsin, I think there are no other additional employees provided for in the bill.

Mr. BROWN. Is not there a provision on page 9 for the employment of additional farmers?

Mr. SHERMAN. No; that is precisely the same appropriation that has been in the bill for two or three years. Prior to that it was a larger appropriation. Two or three years ago we reduced the appropriation two or three thousand dollars, and it has remained the same ever since. That same provision, with varying amounts, has been in the bill for many years.

Mr. BROWN. The gentleman will notice the language is, "To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed." That is the way it is specified in the bill.

Mr. SHERMAN. That is precisely as it has been carried for many years. It is not contemplated to engage any additional farmers. There are now engaged something like 100, employed at salaries from \$25 to \$65 per month.

Mr. BROWN. I understand the gentleman to say this is the same language that has been in the former bills.

Mr. SHERMAN. Absolutely the same. I now, Mr. Chairman, yield to the gentleman from Arkansas [Mr. LITTLE] such time as he desires.

Mr. LITTLE. Mr. Chairman, I want to say in relation to the pending bill that I regard it as one of the best prepared appropriation bills that we have had during my service in Congress. It embraces really no new legislation of any consequence, except the two propositions contained in the last two sections of the bill, which refer solely to the payment of money to the minor children of the Indians. And as long as the present system of educating the Indians is to be maintained, the bill is about as good as we may hope to get.

I think the House may well congratulate itself, and the country also, upon the fact that we have reached the point so much desired, when the long-mooted question of sectarian schools is now entirely out of the bill. There is no feature in it on that line. Five years ago Congress wisely declared against appropriations for sectarian schools for the education of the Indian children, and declared its purpose to reduce the appropriations in that line 20 per cent annually until the entire appropriation became extinguished. That point has been reached; the money promised has been appropriated according to the declaration of Congress, and the Commissioner of Indian Affairs informs the committee that the Government has ample funds and is able to care for all of the Indian children in its educational institutions without any further appropriations for sectarian purposes or sectarian schools; and, I repeat, I think it is a matter of congratulation to the House and the country.

There are two propositions, Mr. Chairman, one contained in the pending bill and one which will be offered by myself later on, which I think it fair to the House to refer to. The first is with reference to an increase in the expenses of the Dawes Commission. The amount asked for in the bill is \$123,000 for the ensuing fiscal year. The great duties that are pressing on this commission are of that character, in my opinion, as well as in the opinion of the Department itself, which makes this appropriation absolutely necessary if the commission is expected to execute the purposes for which it is continued in the bill.

They have before them the onerous duty of taking a complete census of the Five Civilized Tribes, including the freedmen resident in that Territory. They have also the duty before them of appraising and allotting the lands of these tribes. The Seminole tribe of Indians is now ready for its allotment, and the commission is prepared to proceed in the discharge of that duty as soon as provision is made by the proper appropriation for that purpose. The provisions of the Curtis bill have not been executed in this particular for lack of appropriations. The estimates for this particular item have been referred, for the remaining part of this fiscal year, to the general Committee on Appropriations for their action.

Apart from that, the Indian Territory presents an anomalous condition as to the white residents within the borders of that Ter-

ritory. There are to-day in that country some 30,000 white children of school age without any means of procuring an education.

I shall, Mr. Chairman, when the proper point in the bill has been reached, by authority of the Committee on Indian Affairs, ask the insertion of an amendment providing for an appropriation covering that question; and I deem it more advisable to withhold the specific discussion on that particular point until we reach the amendment, at which time I shall beg the indulgence of the committee to explain the proposition that will be offered by myself, and to state to the House that it has the urgent indorsement and recommendation of the Dawes Commission and of the Secretary of the Interior, and a very urgent indorsement and recommendation of the President of the United States itself.

Conditions exist there at the present time that do not exist anywhere else in the civilized world that I have ever heard of. In the Territories of the United States proper provision is made by the Territorial governments for the education of the children of school age. In this Territory there is no Territorial government. There are no sources of revenue for educational purposes, or from which revenue may be derived to educate these children.

The solemn proposition will be presented to the Congress of the United States whether or not it is willing to reject this proposition and assume the responsibility of permitting this vast army of children, who must become a part of the blood of this great country, to grow up in ignorance and become better qualified for outlaws than for citizens of the United States.

I hope we may now proceed to the consideration of the bill by sections, under the five-minute rule. I do not believe there is any desire on this side of the House for a further discussion of the bill generally, and I suggest that we proceed by paragraphs under the rule.

Mr. SMITH of Arizona. Before that request is granted, I would like an understanding, as far as the chairman of the committee may feel himself warranted in making it, that at a certain point in the consideration of this bill, touching the Indian question in my particular district, I may have as much as fifteen or twenty minutes for the discussion of some of the questions arising under the five-minute rule.

Mr. SHERMAN. Mr. Chairman, I do not think there will be any objection to that. If the gentleman desires to proceed now, I will yield him the time.

Mr. SMITH of Arizona. I would prefer to take the time after the matter is up for discussion.

Mr. SHERMAN. Very well.

I ask that the bill be now read by paragraphs for amendment and debate.

The Clerk, proceeding with the reading of the bill, read as follows:

At the Leech Lake Agency, Minn., \$1,800.

Mr. CANNON. I should like to ask the gentleman about that. I see there is a new agency established here.

Mr. SHERMAN. That creates a new agency up at the point where the disturbance occurred some two or three months ago. Those Indians are a somewhat turbulent tribe and they are now under the agency at White Earth, which is 250 miles away from them, and of necessity the agent can not have the same supervision, or keep in touch with the Indians as he could if he were there. The Commissioner orally recommended the insertion of this item when he appeared before the committee, and stated that in his judgment if this agency had been created theretofore the disturbance of last September would not have occurred.

The Clerk, proceeding with the reading of the bill, read as follows:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of five special agents, at \$3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; and expenses of going to and going from the seat of Government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of the five special agents, at \$2,000 per annum each, \$40,000: *Provided*, That hereafter each special agent, supervisor of schools, or other official charged with the investigation of Indian agencies and schools, in the pursuit of his official duties shall have power to administer oaths and to examine on oath all officers and persons employed in the Indian service, and all such other persons as may be deemed necessary and proper.

Mr. DOCKERY. I desire to reserve a point of order against a part of that paragraph.

Mr. SHERMAN. I move to strike out all beginning with the word "*Provided*," in line 12, down to the end of the section. It is surplusage. It is in the last year's bill, is already the law, and should not be reenacted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out on page 9, line 12, after the word "dollars," the following:

"*Provided*, That hereafter each special agent, supervisor of schools, or other official charged with the investigation of Indian agencies and schools, in the pursuit of his official duties shall have power to administer oaths and to examine on oath all officers and persons employed in the Indian service, and all such other persons as may be deemed necessary and proper."

Mr. DOCKERY. Is the gentleman certain that is the existing law?

Mr. SHERMAN. Oh, yes.

Mr. DOCKERY. My notes show that this proviso has been heretofore carried on an appropriation bill, but this bill makes that proviso permanent law by inserting the word "hereafter." Perhaps I am in error. It is a very proper provision, it seems to me, and it ought to be permanent law, but I desire to have the gentleman see whether he is correct or not.

Mr. LITTLE. I suggest that the gentleman let it remain, and that will remove any doubt about it.

Mr. SHERMAN. The gentleman from Missouri is correct. The word "hereafter" has not been in the law before, and I withdraw my amendment.

Mr. DOCKERY. Now, Mr. Chairman, I desire to reserve a point of order against all that part of the section after the word "law," in line 6, down to and including the word "days," in line 9, for the purpose of hearing an explanation and insisting upon the point of order if the explanation is not satisfactory.

Mr. SHERMAN. That same provision is carried in a section on the former page, providing for Indian inspectors. Inspectors have had that provision made for them, but agents have not had, and so these general agents have not had pay for their maintenance when they have been in Washington by order of the Secretary, because the auditing officer of the Treasury holds that they are not in the field when they are in Washington.

As a matter of fact, all of these agents are just as much in the field in Washington as anywhere else, for it is not the home of any of them. When here they are under orders of the Secretary, and they ought to receive the same compensation for maintenance that they receive when elsewhere performing the duties of their office. But, as I say, under the ruling of the Auditor of the Treasury Department they can not be so paid without some provision of this kind, which is in the existing law with reference to inspectors.

Mr. DOCKERY. They never have been paid for this service.

Mr. SHERMAN. Inspectors have, because there is a provision for it.

Mr. DOCKERY. I can see why inspectors should be paid, because they have a general commission. But how many of these Indian agents are there?

Mr. SHERMAN. These are the five general Indian agents. This does not cover the agents at agencies, but these men are practically assistant inspectors, and that is what they are here for when they are here, on the same class of duties that the inspectors are here on.

Mr. DOCKERY. Mr. Chairman, I will not insist on the point of order if the committee think it is a wise provision.

The Clerk read as follows:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding \$65 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, \$65,000: *Provided*, That no person shall be employed as such farmer or stockman who has not been at least two years immediately previous to such employment practically engaged in the occupation of farming, and where practicable competent Indians shall be given the preference.

Mr. BROWN. Mr. Chairman, I desire to offer the following amendment:

The Clerk read as follows:

Insert in line 5, page 10, after the word "preference," the following:

"*And provided further*, That such additional practical farmers and practical stockmen may be employed without reference to the law providing for the examination of persons appointed to places in the civil service of the United States."

Mr. SHERMAN. Mr. Chairman, I raise the point of order against that amendment that it changes existing law; or I will reserve it, if the gentleman desires to be heard.

Mr. BROWN. I desire to be heard in a few words on the point of order.

Mr. SHERMAN. Then I make the point of order.

Mr. BROWN. I do not care to debate the amendment at all if it is subject to the point of order. I am not sure but that it is; I am not sure, however, that it is subject to the point of order. Allow me to call the attention of the Chair to the language in lines 20 and 21 of page 9. Now, what is the existing law touching this matter? Is it not that agency farmers may be employed, as they have been for years, in teaching agriculture to the Indians? Now, what does this bill propose? Not an increase in the number of agency farmers. If there were something in this amendment that applied to the agency farmers already appointed under the law, I confess that the amendment would be a change in existing law.

But what is this? This is a provision for the employment of certain practical farmers and practical stockmen in addition to the agency farmers—that is to say, under this bill certain practical farmers and practical stockmen may be employed; not additional

agency farmers, but simply practical farmers and practical stockmen. Now, Mr. Chairman, I present this view of the matter, that this amendment would not be a change of existing law. The agency farmers must be appointed, as I understand, under and by virtue of the civil-service law; but here is a provision for the appointment of other agents, additional agents, to wit, practical farmers and practical stockmen. Now, I submit that it is proper, as this provision for practical farmers and practical stockmen is substantially new legislation, not the old law, not existing law, it is proper to provide, as I do in this amendment, that they may be appointed without reference to the civil-service law now on the statute books of the United States.

Mr. SHERMAN. This same provision has been carried by bill after bill for many years. It is not new law, as my friend from Ohio suggests. He is in error in that respect. The provision in this bill, including the appropriation, is word for word as carried in previous bills; and the amendment of my friend from Ohio is to have this provision removed from the effect of the civil-service law, which does not change the provision from what it was in the last appropriation bill.

Mr. BROWN. Will the gentleman allow me to ask him a question there?

Mr. SHERMAN. Oh, certainly.

Mr. BROWN. Have these additional practical farmers ever been appointed?

Mr. SHERMAN. Oh, certainly.

Mr. BROWN. Have any more than the agency farmers been appointed?

Mr. SHERMAN. There are 94 of these men actually employed.

Mr. BROWN. Outside of the agency farmers?

Mr. SHERMAN. Yes; under this provision.

Mr. BROWN. Let me ask the gentleman another question. Have these additional practical farmers and practical stockmen been subject to the civil-service law?

Mr. SHERMAN. My understanding is that they have not, and the existing law does not provide that they shall.

Mr. BROWN. Then how will this change existing law? I submit, Mr. Chairman, on the statement of the gentleman from New York, that this would not change existing law, because I understand him to say that these additional farmers and additional stockmen are not required to be appointed subject to the provisions of the civil-service law of the United States. If so, there can be no harm in my amendment.

Mr. SHERMAN. Does not the gentleman's amendment cover not only those, but agency farmers?

Mr. BROWN. Not at all. The gentleman asks whether that amendment would include the agency farmers, and I desire to say to him, in reply, that I carefully avoided that, because I understand they are subject by existing law to the civil-service regulations.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act, including pay and expenses of transportation agents and rent of warehouses, \$25,000.

Mr. CANNON. I move the pro forma amendment. I ask the attention of the gentleman from New York. Is this an increase of \$25,000 for transportation on page 11?

Mr. SHERMAN. The gentleman is correct in his statement.

Mr. CANNON. I call the gentleman's attention to the fact that I recollect hearing, before the committee having charge of the deficiency bill last session, complaint from the Commissioner of Indian Affairs that the people who bid for transportation combine, and he asked for an amendment of the law, which was enacted as follows:

That from and after the passage of this act, Indian goods and supplies shall be transported under contract as provided in the act of March 3, 1877, or in open market by common carriers, as the Secretary of the Interior in his discretion shall determine.

Mr. SHERMAN. In what bill was that enacted?

Mr. CANNON. The deficiency bill.

Mr. SHERMAN. I know we tried to enact it in the Indian appropriation bill, and it went out on a point of order.

Mr. CANNON. The statement was made by the Commissioner that if we would amend the bill this appropriation would decrease, instead of increase. But it now comes in as an increase of about \$25,000, notwithstanding the amendment.

Mr. SHERMAN. How much did you appropriate for the deficiency last year?

Mr. CANNON. I do not recollect.

Mr. SHERMAN. You must have appropriated something.

Mr. CANNON. Yes; and notwithstanding that, here is an increase.

Mr. SHERMAN. Over the regular appropriation, yes. The Department was forced to come to you last year and ask for a deficiency appropriation to make up the shortage, because the

\$300,000 was not sufficient. I have no special report on the condition of the fund last year. This is based on the regular estimate coming through the Department.

Mr. CANNON. The gentleman, then, has no knowledge, except the estimates coming from the Department?

Mr. SHERMAN. Not at all, except what I knew about it last year.

The Clerk, proceeding with the reading of the bill, read as follows:

APACHES, KIOWAS, AND COMANCHES.

For pay of employees as provided in treaty of October 28, 1867, \$6,700.

CHEYENNES AND ARAPAHOES.

For pay of employees as provided in treaty of October 28, 1867, \$6,000.

Mr. CANNON. Mr. Chairman, I make the point of order on this provision.

Mr. SHERMAN. Which one?

Mr. CANNON. The one just read—to pay the employees under the treaty of October 28, 1867.

Mr. SHERMAN. That provision was not in the act of last year. We asked the Commissioner to come before us on the first two items under the treaty stipulation, and his statement to the committee was that by some oversight they had not heretofore estimated for these items, which were items contained in an existing treaty, and for which the Government was obligated.

Mr. CANNON. I have the treaty before me for this and the succeeding item. Now, the lifetime of the treaty was thirty years, and you made in the last Indian appropriation bill an appropriation for the final settlement, and the treaty was done.

Mr. SHERMAN. No; we made no appropriation under this section of the treaty.

Mr. CANNON. Oh, well, a fair construction of the treaty, in my judgment, come to read it, shows that the purpose and object of the treaty was the payment of the thirty installments, and they have been paid, and the treaty falls.

Mr. SHERMAN. The thirty installments have been paid; that is right.

Mr. CANNON. It was not contemplated when you made the treaty in full that these employees should be appropriated for exceeding ten years, although the treaty did provide that in the event they were not appropriated for, \$10,000 should be devoted to education. Now, the truth is that a proper construction of this treaty is that it has been fulfilled and is now obsolete. If it was not, when you come to the support and civilization in another part of your bill there is \$90,000, and when you come to the education, it would be difficult, although I can safely say that many times \$10,000 is carried for the education of these people. So that it is not so much the amount involved, but the treaty having expired and we having voluntarily, from charity, shouldered up in round numbers way over \$100,000, notwithstanding the treaty. I want to submit to the gentleman that these items ought not to go in.

Mr. SHERMAN. Well, I disagree with the gentleman as to the construction of the treaty. I think we have to supply these officials anyway, but perhaps they can be supplied out of the general fund; and I am perfectly willing that these two items shall go out.

Mr. CANNON. Well, I make the point of order.

Mr. SHERMAN. I should rather it would go out on a motion.

Mr. CANNON. I do not care; either way.

The CHAIRMAN. The Chair understands they are in the nature of a deficiency.

Mr. SHERMAN. No; it is in the nature of a provision required by an existing treaty. The gentleman from Illinois disagrees with me as to the construction of the treaty, but we do not disagree about the conclusion, and so that there may be no embarrassment about looking up what the treaty does provide, I move to strike out lines from 15 to 21, inclusive.

The CHAIRMAN. Without objection, the lines will be stricken out.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

CHIPEWAS OF MINNESOTA, REIMBURSABLE.

Advance interest to the Chippewa Indians in Minnesota, as required by section 7 of "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, to be expended under the direction of the Secretary of the Interior, in the manner required by said act (reimbursable), \$90,000.

Mr. CANNON. Mr. Chairman, I desire to make a formal amendment to the paragraph just read, for the purpose of inquiring of the chairman in regard to that paragraph and the two succeeding paragraphs. This paragraph carries \$90,000 and the next one \$75,000 and the next \$45,000, all reimbursable. I will ask the gentleman if he has at hand any memoranda as to how many millions of dollars have been appropriated for the Chippewas that are reimbursable, and if he has any information as to when the Government is going to begin to reimburse?

Mr. SHERMAN. Mr. Chairman, I have the information, which is contained very fully in the report of the Secretary of the Inte-

rior and will be found on pages 35 and on in that report. This shows that the Government has appropriated some \$2,000,000 and has received back in cash \$659,000; and in contracts for the sale of the agricultural lands, which the Department insists is as good as cash, \$400,000 in addition.

This provision has been the subject of considerable discussion before the Indian Committee before the bill was brought in this year. We had before us the Commissioner of Indian Affairs for one entire meeting and the Commissioner of the General Land Office for another entire meeting.

My judgment was that the larger part of the money we are now appropriating, as a matter of fact, would never be reimbursed to the Government, and it was my contention that it was proper to make this appropriation as a gratuity; that we must do something to take care of these Indians, and support them as a matter of necessity in any event. But it was contended by gentlemen—other gentlemen in the committee—which contention prevailed, and no doubt quite properly, that the sale of the lands might produce a large amount of money in excess of the expectations of the Department; and if so, it was proper that the Government should be reimbursed for these expenditures. If we put it in as a gratuity, they contended that it would never be reimbursed under any circumstances; that as we must care for these Indians anyhow, it was better to put it in in this form so as to secure reimbursement if possible.

In the estimates of the Secretary of the Interior he places the total sales of the land at \$5,273,000—that is to say, the amount to be derived from the sale of the lands of the Indians.

The last item to which the gentleman refers, the item of \$45,000 for surveys, etc., has been reimbursed under the terms of the act, and it amounts to in the neighborhood of \$400,000. That is reimbursable before any money goes into the Treasury to the credit of the Indians themselves. But the other amounts are not reimbursable until a sum equal to \$3,000,000 shall be put into the Treasury for the benefit of the Indians.

Mr. CANNON. I would like to ask the gentleman in charge of this bill—for information, because I do not know the facts—a question. This proposition reads: "To reimburse the United States out of the sale of the proceeds of the land of the Indians." Are not these the Indians who own land which is covered by timber largely?

Mr. SHERMAN. They are the owners of timber lands.

Mr. CANNON. Now, to reimburse the Government from the sale of the lands under the treaty—can the money realized from the sale of the timber on these lands be utilized for that purpose?

Mr. SHERMAN. No; none of the timber is sold separately. The land is sold with the timber on it.

Mr. CANNON. I thought the object of the appraisement was to ascertain the value of the timber with a view to its sale.

Mr. SHERMAN. No.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

KANSAS.

For interest in lieu of investment on \$135,000, being the amount due the Kansas tribe of Indians, per second article of treaty of January 14, 1846, \$6,750.

Mr. BENTON. Mr. Chairman, I desire to offer an amendment at this point.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Amend by adding, after the word "dollars," in line 11, page 19, the following: "That the Secretary of the Interior be, and he hereby is, authorized and required to reopen and restate the accounts of the Kaskaskia, Peoria, Piankashaw, and Wea Indians under the treaties of 1854 and 1867; and that in such restatement of said account he restore to their credit such sums or portions of their trust funds as he may find to have been improperly or unjustly taken therefrom or diverted to purposes other than for their use and benefit; and to enable the Secretary of the Interior to indemnify the fund of said Indians for any diminution which they may have sustained thereby, a sufficient sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: Provided, That no interest shall be paid upon any sums which may be found to be due said Indians: Provided further, That before any payment, if any, shall be made to said Indians under this act, the sum of \$1,181.60 shall be deducted and paid to T. F. Richardville, or his legal representatives, on account of money loaned to said Indians."

Mr. LACEY. I reserve the point of order until some explanation is made of this amendment.

Mr. SHERMAN. Mr. Chairman, this is an item which has been presented in a separate bill several times, and in the present Congress has been favorably reported on by the Senate committee and passed that body, but without the limitations put in excluding the payment of interest. As a separate bill the items embraced in the amendment have been favorably recommended and reported upon by the Committee on Indian Affairs without dissent. It is the fag-end of an old treaty obligation, and the amendment provides for the payment of a sum which has been due for some thirty years. We have the opinion of the Department upon it; but the amendment, which was heretofore adopted, as I have

already stated, in a separate bill, excluded the payment of any interest.

Mr. CANNON. If my ear caught the reading right, this proposes to set aside a settlement that has been made.

Mr. BENTON. No, sir.

Mr. CANNON. I will ask the gentleman from New York [Mr. SHERMAN] if it is not purely in the nature of legislation, passing a claim?

Mr. SHERMAN. It proposes a settlement of the account, but it excludes in the reckoning of that account the payment of any interest. The matter has been examined. Here is the report, if the gentleman cares to look at it.

Mr. CANNON. It is a claim, pure and simple, is it not?

Mr. SHERMAN. It would be a claim were it not that it grew out of a treaty stipulation with these Indians. You may call it a claim even then. It is a claim growing out of a treaty obligation.

Mr. CANNON. It reads as follows:

That the Secretary of the Interior be, and he hereby is, authorized and required to reopen and restate the accounts of the Kaskaskia, Peoria, Piankaw, and Wea Indians, under the treaties of 1854 and 1867; and that in such restatement of said account he restore to their credit such sums or portions of their trust funds as he may find to have been improperly or unjustly taken therefrom or diverted to purposes other than for their use and benefit.

That is pretty broad, and I am afraid of it. It seems to me that it is the broadest kind of an annulment of settlement and restatement of account. In fact, I have some shadowy recollection that this whole matter has been closed up.

Mr. SHERMAN. I wish the gentleman were correct. It has not been closed up. It has been hanging along ever since I have known anything about Indian affairs, and the records show that it had been hanging for about twenty-five years before. It has been favorably acted upon over and over again, and been recommended by the Indian Department and by the Secretary of the Interior, certainly more than once within my recollection, and I do not know how many more times.

Mr. CANNON. There are hundreds of other matters like unto it. It is clearly a claim involving legislation. Therefore it seems to me very dangerous to allow it to go upon a general appropriation bill, with full notification to a coordinate branch of the Government that if we go into the claim business we can take the whole calendar relating to Indian claims. Ordinarily this House, this coordinate branch of Congress, has been very careful, in the first instance at least, about embarking in the claim business on a general appropriation bill.

Mr. SHERMAN. In that position I am entirely in accord with the gentleman from Illinois as a general proposition.

Mr. CANNON. I will suggest to the gentleman that the safer way is to let it go out upon a point of order.

Mr. LACEY. Mr. Chairman, I made the point of order in order to have an explanation. I do not insist upon the point. In fact, I do not make it. I withdraw it.

Mr. CANNON. I shall have to renew it.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] makes a point of order; which the Chair sustains.

The Clerk, proceeding with the reading of the bill, read as follows:

For support and civilization of the confederated tribes and bands in middle Oregon, and for pay of employees, \$8,000.

Mr. TONGUE. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert in line 19, page 34, after the word "dollars," the following:

"The Secretary of the Interior is hereby authorized and directed, on the passage of this act, to pay to such Alsea and other Indians on the Siletz Reservation, in Oregon, parties to an agreement made October 31, 1892, ratified by the act of Congress approved August 15, 1894 (28 Statutes, page 323), as shall be found to be competent and capable of managing and taking care of their own affairs their pro rata shares of the permanent fund of \$100,000 appropriated by the said act of August 15, 1894, and now to their credit in the Treasury of the United States."

Mr. SHERMAN. I raise the point of order on the amendment until I hear some explanation.

Mr. TONGUE. Mr. Chairman, in 1892 a treaty was concluded between the United States and this band of Indians whereby the Indians relinquished their right to unallotted lands. In consideration of that they were to be paid \$140,000. Of this sum \$100,000 was to be deposited in the Treasury of the United States, and there was to be paid to them the interest at 5 per cent on the 1st of March each year. The treaty provided that when, in the opinion of the Secretary of the Interior, any of these Indians were capable of managing their own affairs and employing this money suitably for their interest, he should make such a recommendation to Congress, and Congress could authorize the payment of this money to the several Indians according to their rights in the total fund.

In accordance with this provision, the Secretary of the Interior has recommended to Congress that there are 305 of these Indians capable of managing their own affairs, and recommending that their interest in this sum of \$100,000 be paid to them. I want to say simply, in reference to the subject, that I visited this reservation dur-

ing the past summer. These Indians are all engaged in farming and have been for several years past. Practically all of the Indians, except a very few of the oldest, talk English. They all live in houses and sustain themselves by farming. The lands were allotted in 1892, and very few of them have sufficient stock and implements with which to farm. They are being paid in each year about \$11 each. This sum will not buy a cow or a horse, or a really good plow.

Now, the Indians are capable of managing their affairs, and if the individual allotment of the total sum were paid to them, they could utilize it in the purchase of agricultural implements or necessary live stock to enable them to carry on their farming. They are unanimous in their desire to do so. The agent and his assistant concur in this desire of the Indians; all who are interested or who have any knowledge of their condition urge this step to be taken. The Secretary of the Interior recommends it, and I sincerely hope the amendment will be passed.

Mr. SHERMAN. This sum of money about which the gentleman speaks is that referred to in special communication from the Secretary in Document No. 25.

Mr. TONGUE. That is the same money.

Mr. SHERMAN. And the amendment of the gentleman appropriates no money of the Government.

Mr. TONGUE. The money has been appropriated; it is lying in the Treasury and drawing interest at 5 per cent per annum, and will simply be divided among these people.

Mr. SHERMAN. I withdraw the point of order.

Mr. CANNON. I renew the point of order, and, in justice to myself in doing so, I want to say to the gentleman from Oregon that this item that he proposes to amend and legislate about is one of many items for miscellaneous support. For instance, we have just concluded with the Apaches, Kiowas, and Comanches the payment of thirty years' installment under treaties; the same manner with the Arapahoes and Cheyennes. And some few of the various other Indians anticipated when the treaty was made that when the installments were paid that would be an end of it.

Now, here is the status. Instead of the Indian service costing less, it costs more; and it is of no consequence that the treaty expires, because the Indians or their agents, some of them who have never been on a reservation, or well-wishers, some in New England and some in Illinois, not understanding the Indian problem, find that there are Indians who do not support themselves; and either from the standpoint of broad charity or mistaken charity, I will not undertake to say which, their notions end in appropriations; and there is more on this bill for the support of schools and education of Indians where there is not a line of treaty stipulations, or where there is not an obligation for the support or education except from the broad standpoint of a broad charity, than there is for the fulfillment of treaty stipulations.

And I undertake to say that the observation of gentlemen who have followed the appropriations for the Indian service is that instead of becoming more competent for self-support, the Indians become less competent. Now, what is the fact as to this exact item of \$100,000? It is a trust fund, the interest of which is to be paid annually to the Indians of this tribe. It is proposed to take the bulk of that trust fund and divide it up amongst the Indians. They eat it up in six months, or the agents; the trust fund is gone; and lo! the poor Indian will be here for miscellaneous support just the same as if this trust fund had not been appropriated. Therefore I believe it to be my duty, not only touching the proposed amendment, but touching all legislation thereon that will break up any Indian trust fund, to interpose the point of order.

Mr. TONGUE. Mr. Chairman, in reference to the point of order, permit me to say that this subject was provided for in the Indian appropriation bill. This proceeding was provided for in the treaty and provided for in the bill. The recommendation of the Secretary of the Interior is made in pursuance of the provision both of the treaty and the act passed by the Fifty-third Congress, and I can hardly see where there can be any merit in the point of order.

Mr. CANNON. If the gentleman will allow me, the Secretary of the Interior is "hereby authorized and directed on the passage of this act to pay" so and so. That is legislation upon the face of it.

Mr. TONGUE. The article of the treaty so provides. I will read:

That in case the Secretary of the Interior may at any time be satisfied that any of said Indians are fully competent and capable of managing and taking care of their full pro rata of said purchase money, and that it will be to their interests to receive the same, and that other portions of said Indians are not so capable and competent, then he shall recommend to Congress that sufficient amount of such principal sum so held in trust, as provided in section 3 of this agreement, shall be appropriated to pay the full pro rata of such competent and capable Indians of such principal fund, and when the same shall have been paid and received for personally by each Indian so paid, then such Indians shall have no further interest in said trust fund.

Now, the Secretary of the Interior is simply following out the duties prescribed for him in that section in making this recommendation to Congress, and the amendment I have proposed is

the amendment drawn by the Secretary of the Interior and which he asks Congress to pass.

Now, as to the propriety for paying the money to these Indians. These Indians are farmers, their lands have been allotted to them in severalty, provision has been made so that it can not be sold, it can not be taxed, it can not be rented except for a brief period, for a great many years; the United States is under no obligation to make payment to the Indians, except as the treaty provides, and when these payments are made they are to be made only to competent persons, those persons whom the Secretary of the Interior believes to be able to take care of it and use it properly. Persons who will use it in fencing lands, purchasing live stock and agricultural implements, and when they have expended it they have no further claim on the United States. This is recommended by all persons who have any knowledge of the condition of the Indians. The Secretary of the Interior sent out an agent to make a thorough examination, and the agent reported to him, and this recommendation is the result.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For support and civilization of Digger Indians of California, and for locating them on lands purchased for them, \$2,500.

Mr. DOCKERY. I reserve a point of order, Mr. Chairman, for the purpose of making an inquiry of the chairman as to the reason of this paragraph and if it is not new legislation.

Mr. SHERMAN. This item was estimated for in the regular estimate, and it is to assist in the support of one hundred and odd Indians who, under the act of 1897, were located somewhere in California and have been provided for, not in every annual appropriation act, but at different times, notably in 1893, by the appropriation of \$10,000, for whose support the Department now says this item is necessary.

Mr. DOCKERY. It is recommended by the Department?

Mr. SHERMAN. Yes.

Mr. DE VRIES. Mr. Chairman, that same point was raised two years ago, and a further appropriation was made for this tribe of Indians in the sum of \$3,900, if I remember right.

Mr. DOCKERY. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For support, civilization, and instruction of the Shoshones and Bannocks, and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, \$30,000.

Mr. DOCKERY. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry as to this paragraph on page 35 which appropriates \$225,000. That seems to be the usual appropriation, but a new item of appropriation appears in lines 24 and 25 on the same page which during the current fiscal year was paid out of this \$225,000. I should be glad to know why that change was made.

Mr. SHERMAN. The gentleman must be in error about that. This appropriation provides for the payment to the Indians of Arizona and New Mexico, and the item in the twenty-fourth and twenty-fifth lines relates to the Indians in Utah. I think the gentleman must be in error in thinking that was paid out of that appropriation. I think the auditing officer would not permit that to be done. I do not know how that is.

Mr. DOCKERY. I may be in error, but my notes were made by a gentleman who rarely makes a mistake. However, I ask that the two paragraphs may be passed over and be returned to in the event that I find that I am correct.

The CHAIRMAN. Without objection, the paragraphs may be passed over.

Mr. DOCKERY. And one at the bottom of the page.

Mr. SHERMAN. Yes.

The Clerk read as follows:

To supply food and other necessities of life in cases of distress among Indians arising from emergencies not foreseen or otherwise provided for, to be used in the discretion and under the direction of the Secretary of the Interior, \$20,000.

Mr. CANNON. Mr. Chairman, I desire to reserve a point of order on that paragraph.

Mr. SHERMAN. Mr. Chairman, in 1890 such an item as this was first asked for, and in the act of that year it was granted to the amount of \$25,000, and was made a continuing appropriation. The Secretary reports that it has been of great value in permitting him to supply what he could supply out of no other fund to take care of emergencies that arise in any service unlooked for, unexpected, and unprovided for otherwise. That fund was originally provided for in 1890, and is now practically exhausted, and he asks for this appropriation of \$20,000.

Mr. CANNON. Well, it is not a continuous appropriation, is it?

Mr. SHERMAN. It has not been drawn in that form, but I think it ought to be. It ought to be amended to make it a continuing appropriation.

Mr. CANNON. I will reserve the point of order—I have already done so—for the purpose of asking the gentleman another question.

We have passed, throughout this bill, a number of items for the support and civilization of Indians by name. That is found on almost every page of the bill. Here is a proposition to give \$20,000 now, for an emergency appropriation, to be used anywhere that may be necessary, to alleviate distress among the Indians.

Mr. SHERMAN. In such cases as are not covered by any provision anywhere else in the bill. If cases of distress can be relieved by any other provision of the bill, this fund is not drawn upon. That is quite evident from the fact that a fund of \$25,000 has met such emergencies from 1890 to the present time.

Mr. CANNON. It is a method of appropriation that ought not to be resorted to excepting in absolutely necessary cases. The tendency has been in Congress to appropriate for everything specifically.

Mr. SHERMAN. Yes; but we appropriate for a contingent fund in every Department of the Government from the executive department down.

Mr. CANNON. Certainly; but touching that specific purpose. This is a roving fund, to relieve distress anywhere it may be found to exist, whether it be with an Indian in Pennsylvania, in Wisconsin, or California, or whether they be a whole tribe of Indians or an individual. It seems to me that it is just an additional bid for the permanent pauperism of this block of our population. I do not believe it is proper legislation, and it ought not to be enacted.

Mr. DOCKERY. Whatever may be the result, I think the gentleman from New York in charge of the bill must be in error in stating that the appropriation in this language since 1890 has been a continuing appropriation.

Mr. SHERMAN. Well, I simply know what the report of the Department is to me. They may be in error. I have not looked up the statute myself. It expressly states: "Which was a continuous appropriation, the balance of which is nearly exhausted." That is the wording of the Department report. But if the gentleman insists upon the point of order—

Mr. CANNON. The gentleman from Missouri, I believe, desires to make the point of order.

Mr. DOCKERY. No; I think the gentleman in charge of the bill ought to reduce the amount or make it continuous, if that is the purpose.

Mr. SHERMAN. It ought to be a continuous appropriation; and I was about to offer an amendment to the effect that this appropriation shall continue from year to year until exhausted.

Mr. DOCKERY. Oh, no; not in that form.

Mr. SHERMAN. Then I will amend by making it \$10,000.

Mr. DOCKERY. I think \$5,000 would be ample.

Mr. SHERMAN. Then I move to amend by making it \$5,000, instead of \$20,000. Strike out the word "twenty," and insert in lieu thereof the word "five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 12, page 38, strike out the word "twenty" and insert "five;" so as to read \$5,000.

The amendment was agreed to.

Mr. DOCKERY. I now desire consent of the committee to return to page 35. I find upon examination of the matter that I was correct in the statement I made a few moments ago, in respect to the appropriation embodied in this bill for the support and civilization of certain Indians in Utah.

Mr. SHERMAN. Then I would suggest that the gentleman move to strike out lines 24 and 25 of the bill; and if so, I will accept it.

Mr. DOCKERY. I desire to call attention also to the fact that there is an item on page 37 for another tribe of Indians in Utah—the Shebit Indians. That I believe is a new proposition?

Mr. SHERMAN. It is.

Mr. DOCKERY. Then I hope the chairman will consent to strike out lines 24 and 25 at the bottom of page 35 of the bill.

Mr. SHERMAN. I will move to strike out lines 24 and 25 at the bottom of the page.

Mr. DOCKERY. That amendment ought to go as a proviso to the paragraph between lines 9 and 12 on the same page. It was so in the current law.

Mr. SHERMAN. Ah! That is the reason it was paid, then, out of that fund?

Mr. DOCKERY. Yes; and the \$2,500 for the Keabab Indians was taken from the total appropriation of \$225,000, being a part of a proviso to the paragraph which appropriated that sum in the bill.

Mr. SHERMAN. If the gentleman from Missouri has the wording of the bill before him, and will offer the amendment, I will accept it.

Mr. DOCKERY. The current law reads as follows:

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, \$25,000.

That is, so far as the current law is concerned, the identical language of this bill. Now, then, I offer this amendment:

*Provided*. That of this amount the sum of \$2,500 may be used, in the discretion of the Secretary of the Interior, for the temporary support and civilization of the Keabab tribe of Indians in Utah, in the purchase of animals, implements, seeds, clothing, and other necessary articles to enable them to become self-supporting.

That amendment will follow line 12 of the bill as drawn.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Missouri.

The Clerk read as follows:

Add to line 12, page 35:

"Of which amount the sum of \$2,500 may be used, in the discretion of the Secretary of the Interior, for the temporary support and civilization of the Keabab tribe of Indians in Utah, in the purchase of animals, implements, seeds, clothing, and other necessary articles to enable them to become self-supporting."

Mr. KING. I move to amend by inserting the word "shall" instead of the word "may."

Mr. DOCKERY. "Shall be" instead of "may be?"

Mr. KING. "Shall be" instead of "may be."

Mr. SHERMAN. I suggest to the gentleman from Missouri that he change his amendment in that way.

Mr. KING. Not having the text before me, I can not indicate the exact point.

Mr. SMITH of Arizona. Simply "shall" instead of "may."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Utah.

The Clerk read as follows:

Strike out the word "may" and insert the word "shall."

Mr. DOCKERY. I accept that amendment.

The CHAIRMAN. The gentleman from Missouri accepts the amendment, and the question is on the amendment as modified. The amendment as modified was agreed to.

The CHAIRMAN. The Clerk will report the other amendment. The Clerk read as follows:

On page 35 strike out lines 24 and 25, as follows:

"For support and civilization of the Keabab Indians in Utah, \$2,500."

The CHAIRMAN. Without objection, that amendment will be considered as agreed to.

There was no objection.

The Clerk (proceeding with the reading of the bill) read as follows:

For salaries of four commissioners, appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, \$20,000: *Provided*, That the number of said commissioners is hereby fixed at four. For expenses of commissioners and necessary expenses of employees, \$80,000: *And provided further*, That \$3 per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including secretary of the commission and interpreters, \$39,980; for contingent expenses of the commission, \$3,500; in all, \$123,480.

Mr. DOCKERY. Mr. Chairman, I do not know whether this paragraph is subject to a point of order, but if so, I want to reserve it, and pending that I want to move to strike out the last word, in order to make some inquiries concerning this very remarkable increase.

Mr. SHERMAN. It is a supplemental estimate, coming through the regular channel, through the Secretary of the Interior. It is asked for just as it is in the bill. If the gentleman from Missouri would like a full explanation, I would like the gentleman from Arkansas [Mr. LITTLE] to make it.

Mr. DOCKERY. I should like to have some explanation. Here is an increase of \$45,000 for commissioners and expenses of employees, an increase of \$33,380 for interpreters and secretary of the commission, and an increase of \$1,700 for contingent expenses; in other words, a total increase of \$80,080 over the current law. Is this increase made under what is known as the Dawes Commission?

Mr. SHERMAN. This is under the Dawes Commission, and the increased appropriation is necessary to enable them to carry out the provisions of the Curtis Act. I think the gentleman from Arkansas [Mr. LITTLE] can explain it to the satisfaction of the gentleman from Missouri. He has given it special attention.

Mr. LITTLE. Mr. Chairman, in regard to the necessity for the increased appropriation in this item, it is only necessary to understand the situation there. Of course these estimates have all been recommended by the Indian Commissioner and by the Department. The necessity for the appropriation grows out of the fact that the Dawes Commission, commonly called, are required under existing law to enroll all the citizens of the Five Civilized Tribes, and are also required to make a complete census of the Five Tribes, including freedmen.

Mr. BOTKIN. That seems to be an explanation that does not explain.

Mr. LITTLE. I am trying to talk for the benefit of the gentleman from Missouri.

Mr. DOCKERY. I am listening to the gentleman.

Mr. LITTLE. We have a general estimate, I say, from the commission, and the necessity for this increase grows out of this situ-

ation: The commission have been required to make a roll of citizens. That they have done. First they were required to hear applications for citizenship. They heard 7,500 applications, I believe, during last year. Then they were given an additional power in the last bill to purge the rolls of citizens as made by the Indians.

It was evident that there was a great amount of fraud, at least a good deal of it, in the original roll, and they were given power to purge those rolls. In addition to that, they are now required to go over the country of the Five Tribes, including the freedmen in the Five Tribes, and make a complete census of all the Indian citizens and the freedmen citizens. In addition to that, for the next year there comes upon them the duty of appraising and allotting the lands.

That carries with it the necessity for a great many employees, such as surveyors, estimators, and so forth. In fact, from my knowledge of the country and the business to be done, I believe the estimates put in are far below what will be required. It is almost impossible to comprehend the amount of work to be done in this matter. There are 37,000 square miles of land in the Five Tribes. The Seminole tribe are now ready for allotment. Everything is ready except the appropriation to pay for the work.

There has been a survey there, but the sections have not been subdivided and marked, which will be necessary whenever they begin allotments, and it was necessary, in order to make a complete census, that the commissioners should take tents and wagons and go into the country and establish, not headquarters, but stations at all leading points in the Territory in order to take the census.

The Indians do not come to them, but they must go to the Indians; and that necessitates the expense of an entire traveling outfit and various employees and clerks, and this is their estimate, and the Indian Office fully approves it. There is no doubt in my mind, or that of anybody familiar with the facts, that this estimate is not a large one. The point of order, of course, I think, is not well taken. If there is any other point the gentleman desires information about, I will endeavor to give it to him.

Mr. DOCKERY. I simply desired to know about this appropriation.

Mr. LITTLE. Are there any other points to which you desire to call attention?

Mr. DOCKERY. The next item, for clerical help, including secretary to the commission and interpreter, \$39,980.

Mr. LITTLE. I hope you will not press that.

Mr. DOCKERY. I do not desire to be technical and I want to be just. I desire to ask, as this is a very large increase proposed over former appropriations, whether the Committee on Indian Affairs have gone over this estimate item by item to see whether it could be reduced.

Mr. SHERMAN. We had a member of this commission before us, as well as the Commissioner of Indian Affairs, and they both concurred in urging upon us that in making this estimate they had made it as low as possible, and both have agreed that it was sufficient.

Mr. DOCKERY. This increase of \$39,780—can the gentleman in charge of the bill give us the items that make up that total? This is an omnibus clause for clerical help, including secretary of the commission and interpreters. Who appoints these employees, and whether they are employed under the civil service, might be of some interest to the House.

Mr. SHERMAN. I have not here with me a statement covering the precise point, giving the exact number of employees and the salary proposed to be paid to each. I seem not to have it before me; but we had before us at the time Mr. Bigsbee, a member of the Dawes Commission, and we had his explanation of the item.

Mr. DOCKERY. I am sorry the gentleman from New York, the chairman of the committee, is not able to give us the items of this very large increase—in fact, the items of the entire estimate. He is well aware that roving commissioners are necessarily somewhat inclined to be liberal in their estimates.

Mr. SHERMAN. I now present the communications we have on the subject.

DEPARTMENT OF THE INTERIOR, Washington, December 13, 1898.

SIR: I have the honor to inclose herewith a copy of a communication from the Commissioner of Indian Affairs of the 10th instant, inclosing for submission to Congress a proposed item for the Indian appropriation bill for the fiscal year 1900, together with a copy of a letter from J. George Wright, United States Indian inspector for the Indian Territory, dated the 6th instant, making a report upon the amount required for his office and the office of the United States Indian agent at the Union Agency in said Territory to execute the provisions of the act of Congress approved June 28, 1898, commonly called the "Curtis Act."

The letter of the Commissioner of Indian Affairs of the 9th instant, referred to in his communication herewith inclosed, was transmitted to the honorable the Secretary of the Treasury by letter of the Department of the 12th instant, making an estimate of the amount required to execute said act for the balance of the present fiscal year, to be placed in the urgent deficiency bill, for transmission by him to Congress in accordance with law.

In said letter reasons were given why an appropriation by Congress in accordance with said estimates was absolutely necessary to enable the Department to execute the provisions of said act of Congress. The same reasons apply with equal force for the continuance of the appropriation for the fiscal

year 1900, except as to the items for townsite commissions, the location and marking of the ninety-eighth meridian of west longitude, and the amount to enable the "Dawes Commission" to begin the allotment of lands in severality; in all, \$86,300, as stated by the Commissioner.

Very respectfully,

HON. JAMES S. SHERMAN,

Chairman of Committee on Indian Affairs,

House of Representatives.

THOS. RYAN, *Acting Secretary.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE UNITED STATES INDIAN INSPECTOR  
FOR INDIAN TERRITORY.  
Muscogee, Ind. T., December 6, 1898.

SIR: Referring to office letter dated November 28, "Finance 52575-98," wherein I am requested to consult with the agent and report to your office the amount of expenses, if any, that may be incurred by both myself and the agent in carrying out instructions of the act of Congress approved June 23, 1898, I have the honor to submit herewith a separate estimate of salaries and expenses necessary to carry into effect the provisions of the act of Congress referred to, which provides for all expenses for one year, requiring one-half of such aggregate amount from January 1 to June 30 next.

The list includes all clerical force at present employed in the inspector's and Indian agent's office, together with such additional positions as are, in the opinion of the Indian agent and myself, necessary to properly perform the duties required, attending to official correspondence and preparing vouchers and accounts in connection with payments hereafter to be made, which include all schools in the various nations, although it is impossible to approximate the exact amount which may be necessary at this time.

The royalty collectors and inspectors will be needed in the Cherokee and Creek nations, unless the manner of collection should be changed by agreement with these nations.

It is proposed to have each of these nations divided into districts, employing a reputable resident familiar with the condition of affairs, at \$50 per month, to ascertain what royalties are remitted to the agent, but not to collect any money themselves, they to be in charge of an inspector in each nation, at \$100 per month.

While this may appear expensive, much more has heretofore been paid by those nations for this purpose and revenues have never been properly collected. Owing to the fact that there has been no appropriations with which to make these collections since July 1, there are large amounts now due, and which should be collected, as those nations are in need of funds.

I therefore respectfully ask that I be authorized to make the necessary arrangements to employ suitable parties for this purpose, to begin duties January 1.

Two school supervisors are needed, one for the Cherokee and one for the Creek Nation, for which I have estimated at salaries of \$1,500 each, together with the necessary expenses.

Two more supervisors will be needed for the Choctaw and Chickasaw nations, but no doubt can be paid salaries from coal royalties.

By reason of the present condition of these schools it will require the undivided attention for at least a year of one man in each of these respective nations to properly systematize all schools, which are at present in a deplorable condition.

I have also included \$3,000 for traveling expenses of the Indian agent and his clerks in making payments in the different nations.

I have also estimated \$30,000 for town-site commission, as provided for in sections 15 and 29 of the act of Congress approved June 23, 1898, although salaries of such commissioners are not designated.

The amounts required for commissions to appraise and allot land is not included, it being provided in this act that such work shall be performed under supervision of the commission of the Five Civilized Tribes.

Very respectfully,

J. GEO. WRIGHT,

United States Indian Inspector.

The COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, December 10, 1898.

SIR: I have the honor to invite attention to office letter of the 9th instant, addressed to the Department, inclosing, for submission to Congress, a proposed joint resolution making immediate provision for carrying out the act of June 28, 1898, known as the "Curtis bill."

The appropriation asked for therein is only what is considered sufficient to carry on the work imposed by that act until June 30, 1899. To continue the work beyond that time will require an additional appropriation. An item to be inserted in the Indian appropriation bill for 1900 has therefore been prepared and is herewith submitted.

The necessity for this appropriation is set forth at some length in office letter of the 9th instant, to which reference is respectfully made. The reasons given therein for a special appropriation to last the remainder of the present fiscal year apply with equal force to the appropriation recommended herein.

The estimate forwarded on the 9th instant was based to a certain extent on a telegram from the United States Indian inspector in the Indian Territory. Since then a letter has been received from him explaining his telegraphic estimate more particularly. A copy of his letter is herewith inclosed.

It will be observed that three items appearing in the proposed joint resolution for an immediate appropriation, already submitted, are not mentioned in the proposed item for the Indian bill for 1900, herewith submitted, viz: Commission for laying out town sites, \$30,000; expense of locating and marking the ninety-eighth meridian, \$6,300, and to enable the Dawes Commission to begin to allot lands in severality, \$50,000. The reasons therefor are that the first two items are considered sufficient to accomplish the object in view, and that the appropriation to enable the Dawes Commission to go on with the work of allotting will be the subject of another communication, and should appear in another place in the bill.

I respectfully recommend that the proposed item, inclosed herewith, be forwarded to Congress for the necessary appropriation, and, as it is understood that the Indian bill is to be reported at an early date, it is suggested that the matter be made special.

Very respectfully,

W. A. JONES,  
Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. DOCKERY. Is the estimate of \$30,000 for the town-site commission included in this paragraph?

Mr. SHERMAN. Yes.

Mr. DOCKERY. What item of the paragraph?

Mr. SHERMAN. "For expenses of commissioners and necessary expenses of employees, \$60,000."

Mr. DOCKERY. So that \$30,000 of that \$60,000 is to defray the expenses of the town-site commission?

Mr. SHERMAN. That is my understanding.

Mr. DOCKERY. I hope this commission will terminate its labors soon.

The Clerk read as follows:

That said commission shall continue to exercise all authority heretofore conferred on it by law.

Mr. LITTLE. I offer the following amendment, by direction of the Committee on Indian Affairs.

The Clerk read as follows:

Add the following, as an independent proposition, at the end of line 14, page 41:

"For the education of the children, other than Indian citizens, between the ages of 6 and 21 years, residing in the Indian Territory, \$150,000, to be expended under the direction of the Secretary of Interior. And he is hereby authorized to permit Indian citizen children to attend such noncitizen schools, and noncitizen children to attend the Indian citizen schools, under such regulations as he may prescribe."

Mr. CANNON. Mr. Chairman, I reserve the point of order.

Mr. LITTLE. Mr. Chairman, the question involved in this amendment is a new question before Congress. It grows out of the anomalous condition existing in the Indian Territory, a condition that appeals with great force to all persons who have had anything to do with that country. I do not know how better I can make known the conditions than to read from the report of the Dawes Commission on that subject. It says:

As the Territory, in view of fundamental changes already accomplished and others soon to be effected, seems about to enter upon an entirely new period in its history and development, it becomes of the highest importance that the United States Government should lend all possible aid in giving the right direction and needed support to that development. The relation of this Territory to the General Government is peculiar and unlike that of any other of the Territories. Hardly any analogy will be found in its treatment with that hitherto governing legislation for the Territories.

The commission, in familiarizing itself, while engaged in its work in almost every part of the country, with its needs, has been so impressed with one great call for Government aid, standing in front of all others and fraught with disastrous consequences if delayed, that it feels compelled to call urgent attention to it. That is the need of some provision by the National Government for the purposes of education in the Territory. While the funds and resources of the several tribes, properly managed, can probably supply sufficient support for the schools of the citizen Indians, yet the white residents can not share in them and must look elsewhere for the means of educating their children. The means resorted to in all the other Territories, and out of which ample school funds have been provided, do not exist in the Indian Territory, in which the United States has not an acre of public land or other property beyond that in public use.

If the white residents are to receive any aid from the United States, it must be from the outside and by direct appropriation. If they are left without any such aid, it will be a harsher treatment than has been meted out to the residents of any other Territory and will be attended with the most disastrous consequences. There are believed to be between 250,000 and 300,000 white residents in the Territory to-day, and well-nigh 30,000 of them children of school age. They are there to stay, making homes for themselves, and destined to be a part of the body politic of a State.

While some of them, living in the towns, are anxious to educate their children, and may be able to some extent to do so from their private means, yet it is quite different with the poor pioneers in the country, who constitute by far the larger part of this white population. They, however anxious, can not of themselves command the means or the opportunity to educate their children. Consequently a very large proportion of these 30,000 children of school ages, increasing in number every year, are in danger of growing up in ignorance to take upon themselves the responsibilities of citizenship.

This is not the fault, but the misfortune, of these residents of the Territory. The evils that will come of indifference to this situation can not be measured. They will not admit of delay. The commission has had occasion heretofore to call attention to this pressing need, and greater familiarity with the conditions of the people in the Territory only deepens the conviction that justifies this renewal of it.

Respectfully submitted for the commission to the Five Civilized Tribes, by

HENRY L. DAWES, *Chairman.*

The SECRETARY OF THE INTERIOR.

Now, Mr. Chairman, I will read what the Secretary of the Interior says upon that subject:

The commission again calls attention to the necessity for providing for the education of some 30,000 white children, residents of the Indian Territory. I concur in the conclusions of the commission that ample provision should be made for the education of these white children, and have most earnestly to recommend that Congress at an early day make adequate appropriation for such purpose.

Now, Mr. Chairman, so important and pressing has this necessity become that it has attracted the attention of the President of the United States, and I will read his statement in regard to that matter. He says on page 46 of the printed message:

While it has not yet been practicable to enforce all the provisions of the act of June 28, 1898, "for the protection of the people of the Indian Territory, and for other purposes," it is having a salutary effect upon the nations composing the Five Tribes.

The Dawes Commission reports that the most gratifying results and greater advance toward the attainment of the objects of the Government have been secured in the past year than in any previous year. I can not too strongly indorse the recommendation of the commission and of the Secretary of the Interior for the necessity of providing for the education of the 30,000 white children resident in the Indian Territory.

Now, Mr. Chairman, these are statements made by those charged in part with the responsibility of the situation that exists in that country. Those not familiar with the local conditions may not understand the peculiar situation that exists there, and has existed

for twenty or thirty years. The people in the various States of the Union have been going into that country and taking up their temporary home, living there and raising families, until to-day, at a conservative estimate, there are between 250,000 and 300,000 of those people.

Gentlemen must remember that the condition is different from any other Territory in the United States. In the Territories provision is made for the education of children. The local governments have power to deal with that question. In this vast country, an area of 37,000 square miles, with its vast population of citizens, no government has any power to deal with the question except the United States Government, and the question that confronts us is whether we are willing to expend the small stipend asked here in order to build up an educational interest in that country and aid the poor people who are there to educate their children.

It is not sought by this amendment to make this a permanent educational arrangement. It is not sought to build schoolhouses. In the more populous parts of this country you will find temporary schoolhouses in almost every neighborhood in the entire Territory, but it is sought by this provision to place this small amount of money in the hands of the Secretary to be spent at his discretion for the purpose, if possible, of giving an opportunity to these people or their children to attend the day school three or four months in the year.

I know of no condition that can appeal more strongly to the conscience of Congress, I might say and to its judgment, than these conditions. Mark you, in this Territory Congress does not support the Indian schools by direct appropriations; they are supported by the fixed annuities and the incomes of the tribe. Their children have an opportunity to go to the schools, but the white children and the colored children who are not participants in that tribal fund have no facilities whatever of education.

They have no opportunity of attending the Indian schools, and no opportunity of attending any other schools except it be by the expenditure of money of their parents, if they have any. The great mass of people in that country in the rural districts are poor, struggling for support. They are driven there by being homeless and trying to better their condition.

Bear in mind that these people have been coming there from time to time for years. I might say they have opened up that country; they have farms where there was formerly a wilderness; they have dotted the country from one side to the other with little churches and little schoolhouses, and are struggling to educate their children; and if we spend millions for the education of the Indian children, we can well afford to spend a few thousands to aid in the education of the sons and daughters of men who are of our own flesh and blood, and to oppose it is to offend against these children and to sin against our own Government. There are no means of taxation provided. The property of the Indians can not be taxed, and the only tax that can be levied under the treaty is the tax that the Government may levy, which is a mere trifle, on the personal property of the noncitizens.

Mr. KING. Have the noncitizens any realty?

Mr. LITTLE. No. They can not own it on the common domain. That is the property of the tribe exclusively. Under the provisions of the Curtis bill, legislation is provided whereby they may have the right to levy a tax, in towns where the population exceeds 300 inhabitants, upon improvements; and provision is made for the surveying, platting, and sale of the lands of the towns. But no money was appropriated by Congress to execute that part of the bill.

Measures are now pending for carrying it into execution. When that is done the bill authorizes a levy in the town of a tax for school purposes, applicable as I have said to towns and cities exclusively, not to exceed 2 per cent per annum. When that is done they will have a sum of money for educational purposes in the towns and cities; but in the small villages, in the agricultural districts and neighborhoods throughout the country, and in the mining camps, there is no possibility and no power anywhere given to raise a fund outside of the action of Congress itself.

Now, I think there is no question, Mr. Chairman, of our power to make provision such as I have suggested. I think that there is no invasion of the privileges of the States or upon the rights of the citizen, or that it is beyond the discretion of Congress to frame such legislation, because it is well recognized that Congress has the power to legislate for the Territories.

My idea is this: We are educating these Indian people, and if the appropriation is given you will enable the Secretary of the Interior to place the white children of the Territory along with the Indian children in the public schools of the Territory, and the Indian children along with the white children in the white schools, and you will thus bring the whites in more direct contact with the Indians. They will build up and foster closer relations and finally assimilate the two races there into one broad and enlightened citizenship. I think it would be wise to make this appropriation if it had no other object than that.

While Indians have their own schools, if the fund is placed at

the disposal of the Secretary of the Interior, he can put white children in the Indian schools and practically give them all of the privileges that are accorded to the Indian children in the public schools at the present time, and compensate the Indian from this fund. At the same time he can take the Indian children and put them in the schools of the white children wherever it is practicable to do so, and compensate the white school out of the Indian fund, and in that manner—that is, by putting them in these schools wherever the opportunity is offered, they can with \$150,000 give four months' schooling to all of the noncitizen children of the Territory. That I think we ought to do.

It seems to me that there can be no question of the wisdom of the enactment. You take the little schoolhouses throughout the country regions and villages, which I have already referred to and tried to describe; and remember this is not to establish large school edifices, to construct large buildings, for this purpose, but to meet a temporary emergency by the use of those houses which have already been erected. The Secretary of the Interior can, by putting 40 children, we will say, in each school—and this will give an estimate of \$5 per capita for each white child—this will give an opportunity for four months' education to all the children. Then four months' estimated wages of the teacher, at \$40 per month, say \$200, would be the pay of 40 children at \$5 each, which would give 750 schools for four months, and which would be the opportunities which this sum will afford to the children for an education. And I think it is highly wise that we should enact this proposition into law.

It is recommended by the commission, who are amongst the people and know what is needed, and is recommended by the Secretary of the Interior, who has charge of the subject and the administration of the affairs of the Territory. I only talked to the Indian Commissioner this morning, and the amendment was prepared in his presence. He urges its adoption, and the President of the United States himself says: "I can not too strongly urge that provision be made for this purpose;" and now, when this just and propitious legislation is proposed, it is to be met not with argument, but by a point of order.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. LITTLE. I should like to have, Mr. Chairman, a few moments longer, with the consent of the committee.

The CHAIRMAN. Without objection, the gentleman will proceed.

There was no objection.

Mr. LITTLE. And, Mr. Chairman, I was proceeding to say, as it is the purpose of the Congress of the United States to lead this country probably first through a Territorial and ultimately by a State government into the Union of States, either by itself or in conjunction with the Territory of Oklahoma, it seems to me that it would be a gross injustice on our part to allow this great number of 30,000 children in that Territory to grow up in ignorance—to add to its crime and ignorance, if I may so express myself—with out the means of an ordinary education at home.

How much better and wiser, Mr. Chairman, if we should put them in schools with the Indian children, wherever it is convenient, and the Indian children along in schools with them where it is necessary and proper to do so, and provide separate schools for the colored people there? Separate schools are maintained for them, where they are citizens by treaty, by the Indian tribes, and there are but few of any other sort.

These could be grafted in schools here and there throughout the Territory, and when the country gets ready for Territorial government and the titles to property have passed into the hands of American citizens and the tribal governments shall cease, then a proper and suitable system of education can be approved and confirmed by Congress for their benefit. But in the meantime give them something. Do not let these children grow up in ignorance.

I now appeal to gentlemen on the floor of the House—I do not know really whether the amendment is subject to a point of order or not—but I appeal to gentlemen, in the name of humanity, for justice in favor of the proposition I submit and the urgent necessity which exists for its enactment. I appeal to you not to press the point of order, but help me to pass this amendment.

I might say that the future life of that country in a measure depends upon it. Here is a vast army of people growing up to become citizens of this country, for good or for bad, for weal or for woe, and by the judicious expenditure of this small sum of money I believe their welfare can be greatly promoted. It should be done not for this year alone, but for one or two or three years, until the lands can be allotted, until a portion of them can pass and become subject to taxation, and I believe that Congress can do no wiser thing.

Thousands of dollars are being expended in one way and another, and this bill carries more than \$2,500,000 for the education of Indians. As said wisely by the gentleman from Illinois [Mr. CANNON], I do not see the end of it. I wish to God some man

could rise up with wisdom enough to devise a plan that would give us the end of it. But this matter that I urge is temporary only; and if the Congress will grant this sum, it can be cut off at any time it is thought wise. But for this time, in the name of these poor people, in the name of the men who have cut down the forests and built the farms in the Indian Territory, in the name of their schoolless children, I beg the Congress to make this appropriation.

I have no earthly interest in it except the interest of a common citizen of a common country. No such condition exists elsewhere in this country or in any other that I have any knowledge of. Here is a reserve territory of 37,000 square miles, with populous States growing up all around it. People have gradually filtrated into that country, and many of them intermarried with the Indians, until to-day there are but few full-blood Indians. By this judicious expenditure of this small amount of money, I believe the way will be opened for the settlement of that country and the education of the people. They pay their internal-revenue and tariff taxes, and this appropriation would be giving them nothing that is not their own.

Mr. DOCKERY. Mr. Chairman, I believe the gentleman from Illinois [Mr. CANNON] has reserved a point of order against the amendment. I only desire to say that the amendment seeks to deal with conditions which confessedly have existed for a number of years in that Territory. I am not unmindful of the report of the commission and the recommendation of the President. Both are entitled to great weight; but whatever Congress may seek to do by way of remedial legislation to relieve the conditions to which the President has referred must be done in an orderly way and through the proper committees of the House. This is an important question. It is a new departure.

Mr. LITTLE. I do not know whether the gentleman caught the statement or not, but I am directed by the committee which considered this matter to present this.

Mr. DOCKERY. I will reach that in a moment. This is a new departure in respect to public policy, educating white children in the Territories at the expense of the National Government. It has heretofore been the policy of American manhood to rely upon its own resources for the education of white children, whether living in the Territories or in the States. Of course the Federal Government appropriates for the education of Indians, because they are the wards of the nation. As to the propriety of Indian education I have my own view. I think that you may expend the Federal money year after year in large sums, as we have been doing, and when the "show down" comes, to use a phrase common in my State, they are but "Indians" still, with all their savage characteristics.

Mr. ALLEN. Is that expression very common in your State? [Laughter.]

Mr. DOCKERY. Yes, very common, and in Mississippi, also, I apprehend, or expressions of like character. Now, whatever may be the merit of the suggestion of the President, it is certainly not wise for this House, on an appropriation bill, on the recommendation of even so able a committee as the Committee on Indian Affairs, to enter upon this work without thorough investigation and proper inquiry. The Indian Committee is not charged by the rules of the House with the consideration of the question raised by the amendment of the gentleman from Arkansas. If the House sees proper to confer this jurisdiction upon the Committee on Indian Affairs, I am entirely content, because I know of no committee that is more thoroughly and fully entitled to the confidence of the House than the Committee on Indian Affairs; but the rules of the House do not commit this question to that committee, and if they do, certainly not on a general appropriation bill.

Now, then, sympathizing fully and heartily with the very able and eloquent remarks of my friend from Arkansas [Mr. LITTLE], I will insist, in common with my friend from Illinois across the aisle [Mr. CANNON], that this amendment should await its proper time for consideration; that the proposition should be examined by the appropriate committee, and that Congress, in the usual and orderly way, should take up the question for consideration.

Mr. LITTLE. I would like to ask if it is not true that the Government is charged with the education of children in all the Territories of the United States?

Mr. DOCKERY. Aided by the grant of public lands.

Mr. SMITH of Arizona. Not by the grant of public lands. Not as long as they are Territories, because they have not given a cent for our children except by direct tax.

Mr. DOCKERY. I accept the more accurate statement of my friend from Arizona.

Mr. LITTLE. I call the attention of the gentleman from Missouri to this condition. Territories have a government, where they can levy taxes and collect them.

Mr. DOCKERY. That is true; but what is the condition here? A Territory inhabited largely by Indians, admittedly not more than 30,000 white children who could possibly be benefited under

the most liberal system you could adopt; 30,000 white children distributed over 37,000 square miles. It is an important question, and perhaps the gentleman is right. I am inclined to think that something might be done, if it can be done constitutionally and properly. At all events, whatever merit this proposition has, it should come to this House with the report from the proper committee charged with the duty under the rules.

Mr. GAINES. I would like to ask the gentleman from Missouri if he favors this kind of an appropriation?

Mr. DOCKERY. I have not committed myself to this appropriation. If the gentleman heard my remarks, he observed that I have not expressed myself upon that point, simply because the question is not properly before the House. I insist that the question must be considered by the committee charged with that duty under the rules, and then when it comes before the House for consideration I will give the House the benefit of my opinion. I may say, however, that I have grave doubts about the propriety of an appropriation of this character. I am opposed to this appropriation at this time.

Mr. GAINES. In the original cession of the Northwest Territory the original States that ceded it provided expressly that the Government of the United States should educate the children and the people of that Territory. That is expressly stated in the deed of cession.

Mr. CANNON. The gentleman is mistaken.

Mr. GAINES. Oh, no, and the gentleman from Illinois [Mr. CANNON] is living in a part of that Territory—Northwest Territory—now. Perhaps it is the result of that provision that Illinois sends so able a Representative to this House as it does in the person of the distinguished gentleman.

Mr. CANNON. The Indian Territory is no part of the Northwest Territory.

Mr. GAINES. I grant that, but Illinois is a part of the Northwest Territory. I do not desire and did not expect to debate this old history, but wanted simply to refer to the historical fact.

The Virginia cession provided in effect just what was expressly stated in the ordinance for the government of this Northwest Territory, "that schools and the means of education shall be forever encouraged in this Northwest Territory."

The treaty with Spain, the Louisiana purchase, including the now Indian Territory, ordained that—

This territory should be incorporated into the Union as soon as possible, according to the principles of the Federal Constitution, allowed the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they possessed.

Very soon after the cession of this Northwest Territory it was turned into States, and the States have taken charge of the schools. Furthermore, it has been said by the Supreme Court of the United States that these provisions were trusts imposed on the Government of the United States, and that it was the duty of the Government of the United States to enforce them.

Mr. SIMS. I would like to ask the gentleman from Tennessee if he is in favor of taxing the people of the States to educate the children of the Territories?

Mr. GAINES. I have not gone that far. Here, however, is an unprecedented and hard case. These people do not and are not allowed to own real estate there, nor tax themselves, nor enact any laws. They can not and do not have any free schools as a result. In the States we have all these rights. The Indian child is educated by the Federal Government, and the white child, his door neighbor, is not, and can not educate himself because of the Territorial laws peculiar to this particular Territory—the Indian Territory. The white parent there is denied and stripped of the chance to have the right to change the condition of himself or his child. He can not prevent his child from growing up in ignorance. We give the parents of our own State the right to tax and educate their children, and drive ignorance out of the country. Here they have no chance. I do not say that I favor this kind of an appropriation at all. But this condition of things appeals to and challenges, and must challenge, our attention as we pass along. I do not say we have the power to make such an appropriation. But the Congress has plenary power to control this Territory if old precedents and the Federal court are to decide the question. The courts have repeatedly held this, recently and long ago. The Congress of the United States has repeatedly decided it, as to the Indians particularly, and we are now trying to drive ignorance out of this Territory—amongst the Indians—because they are our wards, we control the Territory, and education elevates.

Mr. SIMS. We do not drive the children into this Territory.

Mr. GAINES. But how about those who are born there? No, we do not drive anybody in, but they have the right under the laws of nature and the laws of the land to go there, and Congress has absolute control of the people, the lands, and the making of the civil and criminal laws there enforced.

Mr. CANNON. Mr. Chairman, I have no doubt, after listening

to the gentleman from Arkansas [Mr. LITTLE], that there is a very undesirable condition in the Indian Territory. When it is to cease, I do not know. It will cease whenever the Indian title is extinguished or changed and that country is thrown open to settlement by people of the United States, and when there is the power for the people to govern themselves and tax themselves. That is the time it will cease, and it will not cease before. I am afraid it will go from bad to worse until that time arrives. I am not very familiar with the Curtis legislation the gentleman has referred to. How long it is going to take to have the Indian Territory in the same condition that other Territories are, Arizona, for instance, and New Mexico, I can not tell, or how long before it will be admitted to statehood, which everybody seems to think is in the distant future.

I understand about 30,000 children—I take it for granted white children—what education they are receiving I do not know; but, being scattered over 37,000 square miles of territory, with \$150,000 appropriated, it will not make a respectable showing in giving an education to that 30,000 people. I think it would probably be worse than nothing at all. In other words, that they would depend upon that instead of hustling for it themselves or their parents hustling for them.

Mr. LITTLE. How much would my friend suggest?

Mr. CANNON. I really do not know, to be entirely frank with the gentleman. I do know, however, that this is a general appropriation bill for the Indian service, and the proposition comes up to put this matter of legislation upon it for education, over 37,000 square miles of territory, for white children, entirely foreign from this bill; and I am not prepared to say that if there was a well-digested bill before the House I would oppose it. On the contrary, I have always had a disposition to go as far as the farthest in anything that would give to our people so far as we could the common school system.

Now, I think that this amendment had better not go upon this bill, but that the Committee on Indian Affairs and the Committee on Education had better, after as thorough an investigation as they can make in the next few weeks, report a bill that will stand upon its own merits; and when we pass it, if it is to be passed, we will know how much of education to these children in the Indian Territory is to be given. Therefore I am compelled to insist, for these reasons, upon the point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. LITTLE. It occurs to me, Mr. Chairman, that there is no other committee that should have jurisdiction of these people. It grows out of the peculiar situation there, and as this subject is so closely interwoven with the Indian questions proper, I am of opinion that it is within the jurisdiction of the Committee on Indian Affairs, who unanimously recommend this amendment.

Education in the Indian Territory is under the control of the Secretary of the Interior, and the education of these particular people should be under the Secretary of the Interior, and the money to be used by him in that way. I can assure the gentleman from Illinois that this amount of money can be judiciously expended in that Territory, and a very good showing can be made, for it is not intended to build houses or build up anything of that sort, but merely as contributory to the white schools established in that country.

The children can be taught as their fathers were taught, not as can be done in the populous States at the present day, but they can be taught for three or four months in the year. There may be isolated cases that can not be reached, but the great bulk of them can. I know what difficulty there is to get up a special bill and get it passed through the House. To put this appropriation on this bill, it seems to me, would be unobjectionable, because the Committee on Indian Affairs must have as much jurisdiction over the matter as any other committee can in the course of its consideration. If it is put in this bill it will become permanent law, and there will be no trouble about it.

I had a consultation with the Commissioner of Indian Affairs, and this amendment was drawn with the approval of the Commissioner of Indian Affairs, and he says it is not all they ought to have, but it will do much good. I therefore had an estimate made as to what could be made available and used in that country, and I would be greatly delighted, not personally, but to give aid to those poor children, if the gentleman would withdraw the point of order and let the House vote upon the question. It is a problem that ought to be met, and ought to be met now, and I would not want to assume the responsibility of allowing conditions to remain as they are and have been in that country.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, \$40,000.

Mr. SMITH of Arizona. Mr. Chairman, I would like to offer the following amendment to that clause.

The Clerk read as follows:

Page 42, line 12, strike out "\$40,000" and insert "\$80,000," and add "\$40,000 of which sum shall be used in the construction of dams, reservoirs, and ditches for the irrigation of lands on the San Carlos Reservation in Arizona."

Mr. CANNON. I shall have to reserve the point of order.

[Mr. SMITH of Arizona addressed the committee. See Appendix.]

Mr. CANNON. I only regret that I did not make the point of order upon the whole of this paragraph. I do not know whether it is authorized by law; I do not think it is; but this amendment votes \$40,000 to a specific reservation. I do not know of any law that authorizes it.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. CANNON. Yes.

The CHAIRMAN (Mr. HEPBURN). The Chair sustains the point of order.

The Clerk read as follows:

To enable the President to cause, under the provisions of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," to be allotted the land in said separate reservations as provided in said act, including the necessary surveys, \$25,000.

Mr. CANNON. This is a new item. I do not know that it is subject to a point of order, but I will reserve it for the purpose of getting information.

Mr. SHERMAN. The gentleman is in error about this being a new item.

Mr. CANNON. I think not. I know it professes to be under a treaty. I do not know whether it is, but I will ask the gentleman whether it is.

Mr. SHERMAN. Yes; it is under the provision of the old Sioux treaty, and it was in last year's bill, but was transferred in some way. The schools heretofore appeared at a former place in the bill, and to make the bill more symmetrical it has been transferred, and it is in another part of the bill to what it was last year. It is under the treaty.

Mr. CANNON. That the work is to be done?

Mr. SHERMAN. It is to be continued until finished.

Mr. CANNON. Has the gentleman any information as to when that will be?

Mr. SHERMAN. I have not a special report upon it. There is something about it in the Commissioner's report, to which I will turn in a moment. On page 42 of the Annual Report of the Commissioner of Indian Affairs the subject is discussed.

Mr. CANNON. Is it long?

Mr. SHERMAN. No; it is very short—half a page. We can pass the paragraph over until you read it.

Mr. CANNON. Let it be passed over.

The CHAIRMAN. Without objection, the paragraph will be passed over temporarily.

The Clerk read as follows:

#### SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of an architect, a draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs, \$1,100,000, of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska.

Mr. CANNON. I desire to make the point of order on the words beginning at line 22, and including the "pay of an architect, a draftsman, and a laborer," to be employed in the office of the Commissioner of Indian Affairs. My point of order is that this appropriation, if made at all, is for force in the Department, in the Indian Office, one of the bureaus of the Interior Department, and under the rules of the House that class of appropriations is carried by the legislative bill and is not in order upon a bill for the support of the Indian service.

Mr. SHERMAN. All except that for a laborer has been carried upon this bill. For a great many years "architect and draftsman" have been carried on this bill.

Mr. CANNON. It reads "architect and draftsman" in the current law.

Mr. SHERMAN. And "laborer" is here added.

Mr. CANNON. Now, this architect and draftsman are one person?

Mr. SHERMAN. It adds "laborer" to "architect and draftsman."

Mr. CANNON. It was one individual.

Mr. SHERMAN. No; it was two individuals.

Mr. CANNON. It does not make any difference if it was carried on the Indian bill or not. It was so carried because no point of order was made against it. It is for personnel of the Interior Department and belongs to the legislative bill under the rules and is not in order here; and for that reason I make the point of order. The subcommittee having in charge the preparation of the legislative bill, of which the gentleman from Pennsylvania

[Mr. BINGHAM] is chairman, is at work and has been at work for a week on the bill carrying the force for the entire Interior Department. As a matter of policy—say it is a little thing—as a matter of policy, those appropriation bills that deal with departmental force ought to exhaust the subject instead of having some on the legislative bill and some on the Indian bill, some on the Army bill, and so on. That is the reason I make the point of order.

Mr. SHERMAN. I think the gentleman's position is correct on principle; and will the gentleman be kind enough to assure me that he will have this matter taken up for consideration in the Appropriations Committee—I do not say to appropriate for it, but to consider it?

Mr. CANNON. It is referred to the Committee on Appropriations by the resolution adopted on the motion of the Committee on Ways and Means. That committee has jurisdiction of it, and I take it for granted that the subcommittee preparing the bill will pass upon it. If it is necessary, I have no reason to suppose it will not be provided for. I do not know whether it is or not, as I have not given it any investigation, but I presume the gentleman from Pennsylvania has, and I shall be very glad to call his attention to it.

Mr. SHERMAN. I think the point of order ought not to lie against it, being on the bill, but I ask the gentleman if he will consider it, or will he agree that it shall go on the legislative bill?

Mr. CANNON. If the Committee on Appropriations do not make the appropriation covering these employees, the gentleman would be able to move an amendment.

Mr. SHERMAN. And have the point of order raised against it.

Mr. CANNON. I think not.

Mr. SHERMAN. I think the gentleman from Illinois is right in principle, but wrong in his facts.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the support and education of 75 Indian pupils, Sac and Fox Reservation, Iowa, at \$167 per annum each, \$12,525; for pay of superintendent, \$1,000; in all, \$13,525.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Add to the paragraph just read the following:

"The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, shall make the necessary regulations compelling the attendance of Indian children upon the schools established by the Government for their benefit."

Mr. CANNON. Mr. Chairman, I will reserve a point of order upon that.

Mr. SHERMAN. Mr. Chairman, this school is a new school, established a few years ago, and there has been great difficulty in securing the attendance of the children. The Secretary of the Interior asks that he may be authorized to compel the attendance of the children, or that such school shall be abandoned.

Mr. CANNON. Well, Mr. Chairman, I shall have to insist upon the point of order, and I will say to the gentleman why. It is not a captious objection. Twelve years ago I had the duty imposed upon me, along with other Representatives, of looking into this Indian school question, and we visited quite generally the Indian schools in what was then the Indian Territory—what is now Oklahoma—Kansas, the Dakotas, Montana, Oregon, and some other points. We found that there was great complaint made because of compelling Indian children to go to school and taking them off the reservation.

Judge Holman, I recollect, was chairman of that committee, and the matter was treated somewhat at length. Frankly, I will say to the gentleman that in my judgment, then and now, there is no considerable good to come from the capture of Indian children and carrying them off the reservation and putting them into the boarding schools; and in that I include all the schools in all the States.

Mr. SHERMAN. This school is on the reservation, and this amendment provides simply for the reservation children, the Sac and Fox Reservation, and not for any other. It is not proposed to take children from anywhere else; it is simply to provide that the children for whom this school has been provided shall attend the school. If the gentleman from Illinois insists on his point of order, I shall move to strike out the entire section, because if we can not compel the attendance of the children for whom the school was established I think we ought not to appropriate for the school.

Mr. CANNON. Well, I am in sympathy with the gentleman there.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERMAN. Then, Mr. Chairman, I move to strike out lines 23, 24, and 25, on page 51, and lines 1, 2, and 3, on page 52 of the bill.

Mr. LACEY. Mr. Chairman, I hope that amendment will not prevail. There are very few children attending this school, and the reason is that the chief in charge of the Indians on the reservation is opposed to the school system. The Commissioner of In-

dian Affairs proposes two methods to utilize the school; one is compulsory attendance of the children living on the reservation, and the other is already within his power—that is, to fill the schools with children from other tribes that desire to attend. If the children of this reservation decline to attend the school, the Winnebagoes will be sent there, who will act as an object lesson to the children of the reservation, will mingle with these children, and will undoubtedly soon draw to the school the children who are now kept out by the conservative action of the old chief, who believes in the blanket Indian system.

This school ought not to be abandoned thus early. It has only been established a short time. This particular tribe is a small tribe owning a splendid reservation, which they bought with their own money, money received and which they sent back from the Indian Territory and invested in this land, and then followed the investment by removing again from the Indian Territory to Tama County, Iowa, where they have since maintained themselves. They are peaceable, law-abiding people, but fully imbued with the idea of retaining their old tribal methods, their old religion, and declining to learn the civilized ways of the white people. There are two methods by which the people can be brought in, and the Commissioner of Indian Affairs can avail himself of the proposition to send children in there from other reservations, which will undoubtedly in the end bring in these children.

Mr. BRUCKER. Where are these Indians located?

Mr. LACEY. In Tama County, Iowa. It is in a populous region of fertile soil, and the reservation is worth \$45 an acre for farming purposes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the chairman of the committee.

The amendment was agreed to.

The Clerk read sections 6 and 7.

Mr. SHERMAN. Mr. Chairman, I move to strike out sections 6 and 7, as they are already a part of the statute law.

The motion was agreed to.

The Clerk read as follows:

SEC. 9. That hereafter all Indians, when they shall arrive at the age of 18 years, shall have the right to receive and receipt for all annuity money that may be due or become due to them, if not otherwise incapacitated under the regulations of the Indian Office.

Mr. CANNON. Mr. Chairman, I reserve the point of order for the purpose of asking the gentleman in charge of the bill a question.

What is the propriety or necessity for this legislation—making the minor Indian of age practically for the purpose of receiving the annuities, instead of waiting until he is 21 years old, the legal age?

Mr. SHERMAN. This was urged upon the committee for several reasons, mainly for the purpose of reaching him when he is away at school; so that the money can be paid over to him wherever he may be rather than to the parent where it will not do any good to anybody. Further, it has been inserted because the parent can not be found sometimes, and therefore the money is not paid out at all.

I will state to the gentleman from Illinois that this relates to treaty money particularly and exclusively. This was inserted at the special request of the Department, and the next section also, both by written communication, and also at the instance of the Commissioner when he appeared before the committee. He deemed it essential that they should be enacted as a part of the provisions of the bill.

Mr. CANNON. This can be made without violation of the treaty, can it?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. As to this particular section I will not insist upon the point of order; but as to the next section I think I shall be compelled to insist, unless a satisfactory explanation is given of it.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will proceed with the reading of the bill.

The Clerk read section 10, as follows:

SEC. 10. That the Commissioner of Indian Affairs, upon the approval of the Secretary of the Interior, may direct the payment of any money due or to become due to minor Indian children, to any person or persons, whenever in his judgment such payment will inure to the sole and exclusive benefit of such minor children.

Mr. CANNON. As to that section, Mr. Chairman, I reserve the point of order. What is the necessity for this provision?

Mr. SHERMAN. It is apparent on its face what is desired by the section. It is clearly subject to the point of order, however, if it is insisted upon.

Mr. CANNON. It seems to me—and I only want to submit to the gentleman the inquiry whether he has carefully looked at the section or the effect that it will have—it seems to me that it places it practically in the hands of a clerk in the Interior Department to set in motion certain machinery of the law by which money, and any money, may be paid to a minor Indian child, or to any person or

persons claiming to be entitled to receive it for him, in the judgment of the Commissioner; and while such payment of money should inure to the sole and exclusive benefit of such minor child, it may become entirely lost to him.

It seems to me that we had better leave these parties to their rights under the law as they have them now, and if there be cases in which minor children, or anybody else, are entitled to such compensation, that there should be a means of accounting for it somewhere, rather than to rely upon the mere judgment or discretion, practically, of some minor official in the Department.

Mr. SHERMAN. There is, I will state to the gentleman, the same accounting for the payments in this regard as there is in others. In fact, in all cases of appropriation hitherto such accounting has been required. But there has been deemed a good reason why this legislation should be enacted so that the money may be paid directly to the scholar at school, or through the teacher, or to the teacher for the minor child, rather than to hunt all over the reservation to find the parents of the child and pay it over to them.

Mr. CANNON. But it seems to me to be broader than that. It goes to the extent of the payment of any or all money, unless the gentleman has given more thought and investigation to the provision than I have. But that seems to me to be the effect of it.

I think I must insist upon the point of order.

Mr. SHERMAN. Clearly it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERMAN. Now, Mr. Chairman, I ask unanimous consent that a change may be made in the numbering of the sections after No. 6 to conform to the action of the committee in striking out sections 7 and 8.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the sections may be renumbered. Is there objection?

There was no objection.

Mr. LACEY. I ask unanimous consent to return to page 51 for the purpose of asking a reconsideration of the vote by which the paragraph on that page of the bill was stricken out.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LACEY. Now I ask unanimous consent that the action of the committee be reconsidered as to that paragraph which was stricken out, and that the action be vacated.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERMAN. Now, Mr. Chairman, I move that the committee rise and report the bill to the House with favorable recommendation.

The CHAIRMAN. What is to be done with the paragraph referred to by the gentleman from Iowa?

Mr. SHERMAN. I move that it be adopted. I take it that it stands in the bill. If necessary, I will withdraw the motion to strike it out.

The CHAIRMAN. Without objection the gentleman will have leave to withdraw the motion to strike the paragraph out.

There was no objection.

Mr. BELL. Mr. Chairman, what is the desire of the gentleman in charge of the bill?

Mr. SHERMAN. I have moved that the committee rise; but if the gentleman desires to be heard, I withdraw it.

Mr. BELL. Before the motion is submitted, I wish to ask a single question, as to why there is no provision made for the Indian school at Fort Lewis, in Colorado?

Mr. SHERMAN. There is such a provision made, but not a special provision for the school by name. It is a school that is supported out of the general appropriation of \$1,300,000.

Mr. BELL. And that is included in the lump sum?

Mr. SHERMAN. Oh, yes, indeed.

Mr. BELL. And I understand that has been increased this year.

Mr. SHERMAN. The lump sum has been increased. The expectation is that the number of pupils at many of the existing schools will be increased, because the contract schools now go out entirely.

Mr. BELL. And that is one of the schools that are under this appropriation?

Mr. SHERMAN. Oh, yes.

On motion of Mr. SHERMAN, the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11217) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1900, and for other purposes, and had directed him to report the same back to the House with sundry amendments and with the recommendation that the bill as amended do pass.

Mr. SHERMAN. I ask unanimous consent that the vote upon the amendments be taken in gross.

The amendments were read.

The SPEAKER. If no separate vote is asked for, the Chair will put the question on the amendments in gross.

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

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

GEORGE W. M'BRIDE.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 967) to correct the war record of George W. McBride.

The bill was read, as follows:

*Be it enacted, etc.* That the Secretary of War be, and he is hereby authorized and directed to so amend the records of the War Department as to remove the charge of mutiny, disobedience, and defiance of orders, and conduct unbecoming an officer and a gentleman from the record of George W. McBride, late second Lieutenant Company H, Fifteenth Michigan Infantry Volunteers, and grant him an honorable discharge with all pay and other emoluments due him at the time of discharge for all services.

The Committee on Military Affairs recommended the following amendment:

In line 9, after the word "discharge," insert "as of the 14th day of August 1865."

Mr. SPALDING. The report of the Military Committee is unanimous. If any gentleman desires that it be read, I will ask for the reading of the report.

Mr. HENDERSON. Let the gentleman make a brief statement.

Mr. SPALDING. This man served in the Army for three years as a private soldier. He was promoted for gallantry and good service. After the war was over, in 1865, at a celebration occurring on the 4th of July, he went into the town of Balls Bluff, and some of the soldiers, himself among the number, were arrested and imprisoned by a new regiment that had just entered the field. He was tried by a court-martial. All of his officers, the brigade officers, and the major-general commanding the division recommended that the sentence be remitted, but, it being near the close of the war, it was not done. The committee unanimously recommend that this bill be passed.

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

There was no objection.

The amendment recommended by the Committee on Military Affairs was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

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

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. GAINES, for ten days, on account of important business. To Mr. STEELE, indefinitely, on account of important business. And then, on motion of Mr. DINGLEY (at 4 o'clock and 7 minutes p. m.), the House adjourned.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation for "Salaries, Office of Quartermaster-General"—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a copy of a report, a letter from the Chief of Engineers, relating to the obstruction of navigable waters of the South by the water hyacinth—to the Committee on Rivers and Harbors, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 10459) to amend section 5 of the act approved June 10, 1880, governing the immediate transportation of dutiable goods without appraisement, reported the same without amendment, accompanied by a report (No. 1689); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. Res. 299) asking for preliminary survey of Ohio River at or near Cincinnati,

reported the same with amendment, accompanied by a report (No. 1690); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER of New Jersey, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11178) to amend section 941 of the Revised Statutes, reported the same with amendment, accompanied by a report (No. 1691); which said bill and report were referred to the House Calendar.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. Res. 313) directing the Secretary of War to submit a report of survey and estimate for the improvement of the east channel in New York Harbor, reported the same without amendment, accompanied by a report (No. 1692); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the concurrent resolution of the House (House Con. Res. No. 51) directing the Secretary of War to prepare and submit estimates of the cost of dredging Cleveland Harbor, reported the same without amendment, accompanied by a report (No. 1693); which said resolution and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 11186) to extend the laws relating to commerce, navigation, and merchant seamen over the Hawaiian Islands ceded to the United States, reported the same with amendment, accompanied by a report (No. 1694); which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MCRAE: A bill (H. R. 11247) to extend the anti-contract labor laws of the United States to Hawaii—to the Committee on Labor.

By Mr. HULL: A bill (H. R. 11248) granting extra pay to officers and enlisted men of United States Volunteers—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 11249) to permit the governor of Virginia to have copies made of the rolls of Virginia troops who served in the Confederate army in the late civil war, now in the control and custody of the Department of War—to the Committee on Military Affairs.

By Mr. TAYLOR of Alabama: A bill (H. R. 11250) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River, between Claiborne and Lower Peachtree, in Alabama—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa (by request): A bill (H. R. 11251) to amend the charter of the City and Suburban Railway of the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 11252) authorizing the St. Louis, Tecumseh and Lexington Railway Company to construct and operate a railway through the Territory of Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. SAMUEL W. SMITH: A bill (H. R. 11253) to create a national reserve—to the Committee on Military Affairs.

By Mr. LAMB: A bill (H. R. 11254) providing for authority to copy the muster rolls of the Confederate armies—to the Committee on Military Affairs.

By Mr. MCRAE: A bill (H. R. 11255) to extend the time for the construction of the Arkansas and Choctaw Railway in the Choctaw Nation, and for other purposes—to the Committee on Indian Affairs.

By Mr. OSBORNE: A bill (H. R. 11256) to provide for the erection of a memorial to the soldiers of the Second United States Volunteer Cavalry killed in a railroad accident at Tupelo, Miss.—to the Committee on the Library.

By Mr. HOWELL: A joint resolution (H. Res. 319) asking preliminary survey of Woodbridge Creek, in New Jersey—to the Committee on Rivers and Harbors.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROSIUS: A bill (H. R. 11257) to remove the charge of desertion standing against Henry Lupold—to the Committee on Military Affairs.

By Mr. COOPER of Texas: A bill (H. R. 11258) for the relief of Mrs. Ida Barksdale—to the Committee on Pensions.

By Mr. CURTIS of Iowa: A bill (H. R. 11259) for the relief of Fritz Horn—to the Committee on Military Affairs.

By Mr. DORR: A bill (H. R. 11260) to remove the charge of desertion from the war record of Jonas Fox, alias David S. Cox—to the Committee on Military Affairs.

By Mr. MUDD (by request): A bill (H. R. 11261) for the relief of James Baker, of Washington, D. C.—to the Committee on Claims.

By Mr. NORTON of Ohio: A bill (H. R. 11262) granting a pension to Barbara A. Bauman—to the Committee on Pensions.

Also, a bill (H. R. 11263) granting an honorable discharge to Peter Lauterbur—to the Committee on Military Affairs.

Also, a bill (H. R. 11264) to remove the charge of desertion from the record of Charles Dawley—to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 11265) directing the issue of a duplicate of lost check, drawn by James B. Quinn, major, Corps of Engineers, United States Army, in favor of Henry L. Bremerman—to the Committee on Claims.

#### 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. BARTLETT: Petition of the Georgia division of the George Washington Memorial Association, in favor of establishing the University of the United States—to the Committee on Education.

Also, resolution of the national council of the United American Mechanics of Philadelphia, advocating the early construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the International Typographical Union, protesting against the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of the governor of Rhode Island, the mayor of Providence, and other officials and citizens of Rhode Island, for the improvement of Providence Harbor, to afford increased anchorage grounds—to the Committee on Rivers and Harbors.

By Mr. COOPER of Texas: Papers to accompany House bill for the relief of Mrs. Ida Barksdale—to the Committee on Pensions.

By Mr. EVANS: Petition of the Equal Rights Association of the State of Kentucky, protesting against discrimination in the exercise of the elective franchise on account of sex—to the Committee on the Judiciary.

By Mr. HAMILTON: Petitions of Willard Perry and others, Jennie Cook and others, all citizens of Hastings, Mich., in favor of the Ellis bill, prohibiting the sale of intoxicating liquors on Government reservations—to the Committee on Alcoholic Liquor Traffic.

By Mr. RAY of New York: Petition of citizens of Spencer, Tioga County, N. Y., to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ROBINSON of Indiana: Petitions of the Methodist Protestant Church of Kendallville, Ind., in favor of legislation to substitute voluntary arbitration for railway strikes and to investigate the labor problem—to the Committee on Labor.

Also, petition of the Methodist Protestant Church of Kendallville, Ind., to forbid interstate gambling by telegraph or telephone—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist Protestant Church of Kendallville, Ind., for the passage of a bill to protect the first day of the week in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SPERRY: Resolution of the State Sumner League, of Connecticut, and other citizens of New Haven, Conn., concerning recent lawlessness and rioting in the States of North Carolina and South Carolina—to the Committee on the Judiciary.

#### SENATE.

MONDAY, December 19, 1898.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

LEE MANTLE, a Senator from the State of Montana, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

#### CENTENNIAL CELEBRATION IN CITY OF WASHINGTON.

The VICE-PRESIDENT appointed Mr. HOAR, Mr. HALE, Mr. PERKINS, Mr. SIMON, Mr. MCLAURIN, Mr. CLAY, and Mr. TURLEY as the Select Committee on the Centennial Celebration in the City of Washington, authorized by a resolution of the Senate of the 7th instant.

#### MILITARY EXPENSES OF VIRGINIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 14th instant, information relative to the payment of the amount due the State of Virginia as reimbursement of expenses incurred in the equipping, supplying, and transporting the