

to the Senator from Maine, the President pro tempore of the Senate, for the manner in which he has read the Farewell Address of President Washington.

The motion was unanimously agreed to.

Mr. HOAR. I move that the Senate do now adjourn.

Mr. BAKER. Mr. President, before the question is put, I should like to make an inquiry. Will the admirable address which has just been read be printed in the RECORD? If not, I move that it be printed in the RECORD as eminently appropriate to the existing condition.

The VICE-PRESIDENT. Without objection, it is so ordered. The question is on the motion of the Senator from Massachusetts, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 57 minutes p. m.) the Senate adjourned until Monday, February 24, 1896, at 12 o'clock meridian.

SENATE.

MONDAY, February 24, 1896.

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

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

PERSONAL EXPLANATION—PENSION LEGISLATION.

Mr. GALLINGER. Mr. President, for the first time in my service in this body, I desire to rise to a matter of privilege, and call attention to a column article in the New York Sun under date of February 19. It relates to the passage of pension bills in the Senate on the preceding day. I desire to read briefly from this communication, and then to submit a very few observations on the matter.

The article is headed "Pension records broken—All smashed by the Senate pension mill yesterday"; and it goes on to say:

The Senate to-day devoted the last half of the afternoon to the passage of private pension bills. It can not be said that these bills were really considered, because they were not. In the days when "Uncle Philletus" Sawyer of Wisconsin was chairman of the Pension Committee—

Senator Sawyer never was chairman of the committee—

the Senate made a record by passing pension bills at the rate of one a minute for several hours at a time. That record has been smashed by the present Senate, however, and Mr. Sawyer sat in the Chamber to-day, a casual visitor, and witnessed his successor, Senator GALLINGER of New Hampshire, passing bills at the rate of two a minute.

When the hopper was in full motion this afternoon and 120 bills an hour were dropping on the Clerk's desk, the Senate was conspicuous for its almost absolute emptiness, while from the galleries a few American citizens looked down in wonderment. Mr. HARRIS of Tennessee, the would-be Czar of the Senate, was in the chair, and Dr. GALLINGER of New Hampshire, the chairman of the committee, sat in a borrowed seat on the front row of the Republican side, just where his predecessor, Mr. Sawyer, used to sit, and, with the clerk of the committee by his side, kept tab as the monotonous tones of Senator HARRIS indicated that the bills were passed. Mr. GALLINGER might have made the record a little more than 120 an hour but for his unfortunate habit of replying to interruptions and answering the questions of such inquisitive Senators as occasionally strayed into the Chamber. Mr. Sawyer never made mistakes of this kind. He never had any explanations to make, but if a Senator interrupted the working of the machine to seek information, Mr. Sawyer would merely look at him over his spectacles and ignore what he had to say.

Now, Mr. President, the allusions to me are of no consequence whatever, but this is a matter that has gone out to the country and has occasioned a good deal of comment, as is indicated by the letters that are coming to the Senate Committee on Pensions.

I wish to call attention to the fact (and it is well enough for the country and the Senate to know it) that 67 bills were passed in two and three-fourths hours instead of 120 bills within a single hour, as this veracious correspondent has it.

It should be remembered, too, that lengthy and very carefully written reports are made in every pension case that is reported from the Committee on Pensions. Those reports are printed, are laid upon the desks of Senators for a considerable time before the bills are called up for consideration, and every Senator has an opportunity to know all the facts connected with every pension case that is called up here for consideration.

The total increase in the 67 bills (I had a very accurate computation made of this matter) that were passed in the Senate the other day over what the beneficiaries are now drawing was \$1,006 per month, or \$12,072 per annum. It was exactly an expenditure of one fifty-eighth part of a cent for every man, woman, and child in the United States.

One bill that passed that day was in behalf of a widow whose husband, had he taken advantage of the pension law during his lifetime, could have drawn from the Treasury an amount almost equal to the aggregate annual appropriation made in the 67 bills, and there were many other somewhat similar cases in the list. Some of those for whom bills were passed will probably be dead before the bills become laws, and many of them will draw their pensions for less than one year.

It will thus be seen that the New York Sun, with its scare headlines and its misrepresentations, was indulging in rather small business for a great metropolitan newspaper.

But such articles do much mischief. The readers of such newspapers are led to believe that an improvident expenditure of public funds is being made, and the prejudices and passions of the people are aroused, to the detriment of the worthy and brave men who fought and suffered for the Government. It is a wicked and unjustifiable exercise of journalistic privileges, even when practiced by a newspaper which sails under the motto, "If you see it in the Sun it is so." Manifestly either the motto or the correspondent of the paper should be changed.

Mr. President, if a similar expenditure had been made for almost any other purpose under the heavens the newspapers of the country would have remained silent, but when it is made for blind and paralytic and dying soldiers, and the dependent and destitute widows of soldiers, a great hue and cry is raised in certain newspapers as though an offense bordering on a crime had been committed.

Mr. President, I do not expect that anything I can say on this subject will stop the misrepresentations concerning pension legislation, but nevertheless I have felt it to be due to the committee and to the Senate to make this explanation. The Committee on Pensions is a careful, conservative, hard-worked committee, determined to deal fairly with the bills that are referred to them, and there need be no fear that they will recommend for passage any bills not founded on equity and justice.

Mr. HOAR. I should like to ask a question of the Senator from New Hampshire before he sits down. What is the membership of the Committee on Pensions of the Senate?

Mr. GALLINGER. Thirteen.

Mr. HOAR. Does not each one of those bills have the careful examination of the full committee, so that the question whether it comes within any principles of legislation is ascertained in every individual case?

Mr. GALLINGER. Absolutely so, Mr. President, and, so far as I can recall, no such bill has been reported to the Senate that has not had the unanimous assent of the Committee on Pensions.

Mr. HOAR. Then it is true that a body of gentlemen selected by the legislatures of their States for the office of Senator, consisting of 13 persons, of more than twice the ordinary number of the supreme court of a State, has sat on these questions and considered them before they were reported to the Senate. Then do they have likewise a similar examination in the other branch from a like committee?

Mr. GALLINGER. There are two committees on pensions in the other House, one on pensions and one on invalid pensions. Bills relating to wars prior to the war of the rebellion are referred to the Committee on Pensions; bills relating to the war of the rebellion are referred to the Committee on Invalid Pensions, and those committees give careful examination to the bills severally referred to them.

Mr. HOAR. I desire to make one observation. Every Senator will agree to the truth of it. It would be undoubtedly impossible for the Congress of the United States to do one year's public business in ten years unless we were to rely in matters of small expenditure of money like this upon the judgment of our committees.

I make these observations not alone because of the sportive article which has been read, but because some very worthy and estimable gentlemen are constantly attacking the character of our legislation in regard to the matter of pension appropriations. Here is the Pension Committee, in which pension bills have had an investigation as thorough and accurate from 13 Senators before the bills are brought in here as the cases in the supreme courts of the several States or in the courts of appeals of the several circuits get from a much smaller number of judges, and it is not improper to say, I suppose, from judges certainly not standing higher in reputation and capacity for public service than the gentlemen composing this committee.

A very eminent clergyman, a friend of mine, was moved in Massachusetts about a year ago, in the city of Cambridge, where the university teachers are largely members of his congregation, to preach a sermon on the corruption and wickedness and profuseness of the expenditures of this Government for pensions. He is a worthy man who would have no more made a misstatement than he would have cut off his hand; but he showed that the pension list for the year amounted to a certain sum, and then he cited the fact that there had been \$25,000,000, I think it was, more expended in that year. "Now, my hearers," he said, "this \$25,000,000 out of the public Treasury is what is got by the pension agents and claimants, the men who promote this profuse and extravagant pension legislation." In point of fact, the \$25,000,000, if I have the sum right (at any rate, many millions was the sum), represented the arrears which were paid after the application and before the settlement of the cases, which in some cases will be five or six years, and is almost always one or two years, owing to the condition of business in the Pension Bureau. That \$25,000,000 paid to these honest claimants, soldiers and widows and children and orphans, as the arrears for the time which has elapsed between their application and the beginning of the pension, this excellent gen-

tleman thought was paid to pension agents and corrupt lobbyists and persons of that class out of the public Treasury.

That is a specimen of the kind of information that is going about through the country in regard to the purity and honesty of our national legislation.

Mr. HAWLEY. Mr. President, I entered the Chamber just as my colleague upon the Committee on Pensions had begun to read the extract from the New York Sun, or from the New York Sun's correspondent. I am a regular subscriber to and reader of that journal, and regard it as a very able and interesting exponent of sound Democratic doctrine; but it is impossible for any journalist to avoid occasional errors on the part of his correspondents.

There is no testimony needed, no backing of my colleague. What he says is the simple and absolute truth. I have the honor to be upon that committee, and I testify that it scans all these cases with exceeding care, that every one of the cases so easily disposed of here was clearly set forth in the committee and the bearing of the evidence considered carefully, with some consideration, it is true, for charity and loving kindness in many of the pitiful cases. I do not see how we could have done any less. I am sure no wise and equitable court could have done any less.

I have thought often that there ought to be some full and complete setting forth of this pension business to correct the errors that the Senator from Massachusetts has referred to. I received a letter not long ago from a very intelligent man, a plain citizen, who sent me a long and well-written letter, and among the causes of complaint that he had against my poor self and the Congress in general was the extravagant expenditure for pensions. And yet that man, if he would sit down fifteen minutes in the Pension Committee room and listen to the cases, would be perfectly satisfied that we had done just about right. He believes, undoubtedly, for so he told me, that a very large proportion of the pensions—do not remember exactly, a quarter or a third, or more—were altogether fraudulent and unnecessary. Many people say that. Some people believe it. And yet what I always challenge them to do is to report to me one case—I beg them to give me one case of obvious fraud in their own neighborhood, of their own knowledge, to prove it to be such by reputable witnesses, and I never have had the challenge accepted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4043) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1897.

The message also announced that the House had passed the following bills:

A bill (S. 141) granting a pension to Julia A. Hill; and

A bill (S. 1740) to amend section 5294 of the Revised Statutes of the United States, relative to the power of the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures, and for other purposes.

The message further announced that the House had passed the bill (S. 103) relating to final proof in timber-culture entries with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson;

A bill (H. R. 1821) to reopen and adjust the account for service of Lieut. Col. W. A. Jones, Corps of Engineers;

A bill (H. R. 2797) granting a pension to Peter B. Palmenteer;

A bill (H. R. 3432) for the relief of John E. Evans;

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna;

A bill (H. R. 4220) granting a pension to Charles A. Foster, late acting assistant surgeon, United States Army; and

A bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 359) granting to the Columbia and Red Mountain Railway Company a right of way through the Colville Indian Reservation in the State of Washington, and for other purposes; and

A bill (S. 879) to amend an act entitled "An act to grant to the Gainesville, McAlester and St. Louis Railroad Company a right of way through the Indian Territory."

FIRST NATIONAL BANK OF ORLANDO, FLA.

Mr. CALL. Mr. President, I rise to a question of personal privilege. I find by the CONGRESSIONAL RECORD of the 30th of December, 1895, that in introducing a resolution of inquiry in regard to the First National Bank of Orlando, Fla., I stated, or it is stated

in the report in the RECORD, that I was requested to introduce the resolution by "the president and some of the officers of the First National Bank of Orlando, Fla." This was a misprint. I have had no communication with the presidents and directors of national banks. What I said was that the resolution was in relation to the president and directors of the First National Bank of Orlando, Fla.

I make this explanation in order that I may be correctly understood.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the New York Produce Exchange, remonstrating against the passage of Senate bill No. 561, authorizing the establishment of a free port at Fort Pond Bay or elsewhere in the waters of Long Island, in the State of New York; which was referred to the Committee on Commerce.

He also presented a petition of the faculty and students of the University of Washington, of Seattle, in the State of Washington, praying for the establishment of a permanent court of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of the board of managers of the Pennsylvania Society of Sons of the Revolution, praying for the enactment of legislation providing for the publication of the records and papers of the Continental Congress, comprising the official documents relating to the Revolutionary period; which were referred to the Committee on the Library.

He also presented a petition of the common council of the city of New York, praying for the enactment of legislation providing for seacoast defenses for the harbor of New York, and also that sufficient provision be made for the protection thereof; which was referred to the Committee on Coast Defenses.

Mr. PEPPER presented the petition of J. W. Wilt and sundry other citizens of Cleo, Okla., praying for the enactment of legislation granting them free homes; which was referred to the Committee on Indian Affairs.

Mr. CAMERON presented a memorial of the select and common councils of McKeesport, Pa., remonstrating against the consolidation of the post-office at that city with the Pittsburg post-office; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of N. S. Rulison, of South Bethlehem, Pa., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Lebanon, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Pennsylvania Society of Sons of the Revolution, praying for the publication by the Government of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

He also presented a memorial of the Peace Association of Friends of Philadelphia, Pa., to the President and Congress of the United States, on the attitude of Congress relative to the Monroe doctrine; which was ordered to lie on the table.

He also presented a petition of Barr Grange, No. 1121, Patrons of Husbandry, of Pennsylvania; a petition of Marion Grange, No. 233, Patrons of Husbandry, of Pennsylvania, and a petition of sundry citizens of Pennsylvania, praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system; which were referred to the Committee on Finance.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., and a petition of sundry citizens of Anacostia, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. LODGE presented resolutions adopted at a meeting of the board of managers of the Pennsylvania Society of Sons of the Revolution, indorsing the efforts that are being made to insure the publication of the records and papers of the Continental Congress; which were referred to the Committee on the Library.

He also presented a petition of the Baptist Young People's Union of the Baptist Association of Salem, Mass., representing 5,000 members, praying that Congress apply the principles of the entire separation of church and state as expressed in the matter of appropriations for the support of charities in the District of Columbia and for the education of the Indians; which was referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of the publication committee of the Rhode Island Historical Society, and a petition of the board of managers of the Pennsylvania Society of Sons of the Revolution, praying for the publication of the records and papers

of the Continental Congress; which were referred to the Committee on the Library.

Mr. GALLINGER presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. MITCHELL of Oregon presented sundry petitions of Salem Grange, No. 17, Patrons of Husbandry, of Marion County, Oreg., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Baker City, Oreg., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented sundry petitions of citizens of Portland, Oreg., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

He also presented a petition of the common council of Baker City, Oreg., and a petition of the board of trustees of Sodaville, Oreg., praying for the speedy construction of the Nicaragua Canal under the control of the Government; which were referred to the Select Committee on the Construction of the Nicaragua Canal.

Mr. FRYE presented the petition of George May Powell, president of the Arbitration Council of Philadelphia, Pa., praying for the immediate organization of a permanent international court of arbitration; which was referred to the Committee on Foreign Relations.

Mr. KYLE presented the petition of C. D. Mosher, of Chicago, Ill., praying for the establishment of a postal coupon savings bank in every post-office in the country; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Manufacturers and Producers' Association of California, praying for the appointment of a commission to investigate the question of Japanese manufactures, importations, etc.; which was referred to the Committee on Finance.

He also presented a memorial of the National Woman's Christian Temperance Union, headquarters at Chicago, Ill., remonstrating against the adoption of military instruction in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. BATE presented a petition of 43 citizens of Chattanooga, Tenn., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

Mr. ALLEN. I present a petition of sundry citizens and taxpayers of South Sioux City, Nebr., asking Congress for a special appropriation to protect the Nebraska side of the river front of the Missouri River opposite that city. The petition recites that as a great deal of work and material to protect the river front in the vicinity of and in front of Sioux City, Iowa, on the Iowa side of the Missouri River, is done under the direction of the General Government, it has changed the main channel of that river, and diverted the main channel to the Nebraska side so forcibly as to endanger a large amount of the property in South Sioux City, Nebr. The petition also recites that as a result of such change in the channel of the river it is evident that as soon as the ice goes out this spring the powerful current of the river will begin cutting on the Nebraska bank and thus cause a loss of a large amount of valuable property; that during the past year a large amount of property on the Nebraska bank of the river, amounting to many thousands of dollars, has been washed by the channel of the river; that the ground, in many places over 100 feet wide and hundreds of feet long, in South Sioux City, in Nebraska, has been washed away and destroyed by the river and the buildings thereon, in many cases, destroyed. The petitioners ask for immediate action on the part of Congress.

I might suggest in this connection that this petition recites literally the truth. The appropriations for the improvement of the Missouri River in the neighborhood of Sioux City, Iowa, have been used upon the Iowa side. That has forced the channel onto the Nebraska side, which is the lower side of the two, and great inroads have been made upon the Nebraska side, washing away hundreds of feet of valuable property and endangering the buildings, in some instances it being necessary to remove the buildings for safety.

I move that the petition be referred to the Committee on Commerce, and ask the special attention of the committee to it.

The motion was agreed to.

Mr. CULLOM presented a petition, in the form of resolutions adopted by Dunlap Grange, No. 919, Patrons of Husbandry, of Dunlap, Ill., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export

bounty, in order to equalize the benefits and burdens of the protective system; which was referred to the Committee on Finance.

Mr. CULLOM. I present a number of petitions, each being signed by a large number of citizens of Chicago, reciting the atrocities by the Turks and others in that dominion against the Armenians, of which we have frequently heard, and praying that this honorable body "proceed at once to call a conference of all the European powers interested, and that our representatives to that conference be authorized to pledge the influence and support of this Government to any nation or nations who will undertake to rescue the Armenians from their perilous and almost hopeless situation," etc.

I shall not attempt to read more from the petitions, but I move that they be referred to the Committee on Foreign Relations for consideration in case it shall be deemed necessary to take any further action by this Government.

The motion was agreed to.

Mr. PERKINS presented a petition of the Committee on Commerce of San Francisco, Cal., praying that an appropriation of \$90,000 be made for the building and equipment of a fog-signal vessel, with auxiliary steam power, to be stationed outside the bar of San Francisco; which was referred to the Committee on Commerce.

He also presented a petition of the Committee on Commerce of San Francisco, Cal., praying that an appropriation of \$20,000 be made for the establishment of a fog-signal station on the Northwest Farallones Islands, lying off the entrance to San Francisco Bay; which was referred to the Committee on Commerce.

He also presented a petition of the Committee on Commerce of San Francisco, Cal., praying that an appropriation of \$35,000 be made for the laying of a submarine cable from the mainland at San Francisco to the Farallones Islands; which was referred to the Committee on Commerce.

Mr. HANSBROUGH presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the appointment of a commission to investigate the question of Japanese manufactures, importations, and the export trade; which was referred to the Committee on Finance.

He also presented a petition of the North Dakota Dairy Association, praying for the enactment of legislation providing for the manufacture and sale of "filled cheese" on the same basis as oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of L. McL. Hamilton Post, No. 15, Department of North Dakota, Grand Army of the Republic, of Grafton, N. Dak., praying for the enactment of legislation granting a pension to all honorably-discharged soldiers and sailors; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present the petition and statement of Samuel Moore, of Lawrence County, Mo., together with the affidavits of George W. Jones and John Taylor, and also a letter from the Quartermaster-General, in regard to the compensation for stores taken during the war. I move that the petition and the accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1866) for the incorporation of associations for the improvement of the breed of horses, and to regulate the same, and to establish a racing commission, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1927) to increase the Metropolitan police force of the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a joint resolution (S. R. 84) to provide for the increase of the water supply of the District of Columbia, and for other purposes.

He also, from the same committee, to whom was referred the bill (S. 2122) to provide for the completion of the Washington Aqueduct tunnel, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1568) to provide for the care and cure of inebriates in the District of Columbia, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 1449) to provide a home and employment for reputable girls and young women of the District of Columbia who are without means of support and are unable to obtain work, to submit an adverse report thereon.

Mr. CALL. I ask that that bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. McBRIDE, from the Committee on Commerce, to whom was referred the bill (S. 1963) to provide an American register for the steam yacht *Ellida*, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the joint resolution (H. Res. 105) for the relief of ex-Naval Cadets John P. J. Ryan, John R. Morris, and Chester Wells reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 14) to compile and publish the laws relating to street-railway franchises in the District of Columbia, reported it with an amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4785) to incorporate the National University, and also the amendment submitted by Mr. CANNON on the 20th instant, intended to be proposed to that bill, asked to be discharged from their further consideration and that they be referred to the Select Committee to Establish the University of the United States; which was agreed to.

Mr. HAWLEY, from the Committee on Pensions, submitted a report, to accompany the bill (S. 2008) granting a pension to Fanny Moale Gibbon, heretofore reported by him; which was ordered to be printed.

Mr. PASCO, from the Committee on Commerce, to whom was referred the bill (S. 1836) to provide for licenses to certain officers of seagoing passenger steam vessels, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company, reported it with amendments.

PRINTING OF TREATIES.

Mr. HALE. I report favorably from the Committee on Printing a resolution referred to it on the 17th instant, submitted by the Senator from Alabama [Mr. MORGAN], in relation to the printing of certain treaties, which I ask may be considered at this time.

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

Resolved, That the treaty of 1850, known as the Clayton-Bulwer treaty, and Articles XX to XXVIII, both inclusive, of the treaty of February 11, 1860, between Great Britain and Nicaragua, and the treaty of 1867 between the United States and Nicaragua, be printed together as a document for the use of the Senate.

LAWS RELATING TO NAVY, MARINE CORPS, ETC.

Mr. HALE. I am instructed by the Committee on Printing to report favorably a resolution submitted by myself on the 20th instant, providing for the printing of the Compilation of Laws Relating to the Navy, Marine Corps, etc., which I ask may be considered at this time.

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

Resolved, That under the direction of the Joint Committee on Printing the Compilation of Laws Relating to the Navy, Marine Corps, etc., be brought up from March 3, 1883, to March 3, 1896, and indexed; and when completed the Joint Committee on Printing shall report what number of copies of the same shall be printed and bound, the form of the same, and the proper distribution thereof; the cost of said compilation to be covered by appropriations to be reported by the Committee on Appropriations.

UNITED STATES BUILDING AT JEFFERSON CITY, MO.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2170) to authorize the Secretary of the Treasury to grant temporary occupation of certain rooms in the United States building at Jefferson City, Mo., to the courts of Cole County, Mo., to report it back adversely, with a recommendation that it be indefinitely postponed; and as a substitute to that bill I report a joint resolution, which I ask the Senate to consider at this time. It is a mere formal matter, as will be made known by the reading of it, and can give rise to no debate. The circumstances are such as to require immediate action of the Senate.

The joint resolution (S. R. 85) granting to the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo., was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That full permission be, and the same is hereby, granted to the county of Cole, State of Missouri, to occupy the United States court room and two jury rooms connected therewith in the United States building at Jefferson City, Cole County, Mo., during the months of March, July, and November, 1896, and March, 1897, for the purpose of holding sessions of the circuit court of said Cole County therein, and that during said occupation concurrent jurisdiction, so far as it is necessary, over said building be, and is hereby, ceded to the State of Missouri and to said county of Cole, so that the sessions of said court in said building and rooms may be, during said period, fully legalized: *Provided*, That said rooms shall be kept in good repair at the expense of said county of Cole, and at the end of March, 1897, the use of said rooms shall be relinquished to the United States by said county, the premises

to be in as good condition as before their occupancy by said circuit court of Cole County: *Provided further*, That the sessions of said circuit court of Cole County shall in no way interfere with the sessions of the circuit and district courts of the United States: *Provided further*, That the Secretary of the Treasury is authorized in his discretion at any time to terminate this permit and the possession hereby granted of said premises upon thirty days' notice to the judges of the county court of said county.

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

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

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

The VICE-PRESIDENT. Senate bill 2170, relating to the same subject-matter, will be indefinitely postponed, in the absence of objection.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 2226) to amend the laws relating to American seamen; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2227) to amend section 4233 of the Revised Statutes of the United States, providing for distinctive signals and lights for towing steamers; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2228) granting a pension to Noah Pillsbury; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2229) granting a pension to Henry W. Schroder; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2230) to remove the charge of desertion against John L. Richardson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MITCHELL of Oregon, introduced a bill (S. 2231) for the relief of D. J. Holmes, of Portland, Oreg.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. TELLER introduced a bill (S. 2232) to vacate Sugar Loaf reservoir site in Colorado, and to restore the lands contained in the same to entry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. CARTER introduced a bill (S. 2233) to increase the pension of John Gray; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2234) to increase the pension of Odilia Logan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 2235) for the relief of the heirs of Asa Chilson, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 2236) to reorganize the personnel of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a bill (S. 2237) providing for the appointment of a committee or guardian for pensioners in certain cases in the District of Columbia; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2238) granting an increase of pension to Simeon Stevens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 2239) for the relief of the Protestant Episcopal Church of St. Paul, at Franklin, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 2240) granting a pension to Mrs. Laura Barnes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2241) granting a pension to Mary Yates; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2242) for the relief of James M. Foster, of Houston, Fla.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 2243) for the relief of Rev. Robert Meacham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON introduced a bill (S. 2244) granting to the Alabama tribe of Indians in the State of Texas 25,000 acres of land; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LINDSAY introduced a bill (S. 2245) for the relief of L. H. Lyne & Co., late of Lynchburg, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. STEWART introduced a bill (S. 2246) for the relief of Mrs. William Loring Spencer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PASCO introduced a joint resolution (S. R. 86) directing the Secretary of War to furnish certain information with reference to the projects for the improvement of the harbor of Cumberland Sound, Georgia, and St. Johns River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. MITCHELL of Oregon. I submit a proposed amendment to the bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California that has passed the House of Representatives and is now pending before the Committee on Public Lands. I move that it be printed and referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CAFFERY submitted an amendment intended to be proposed by him to the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency; which was referred to the Committee on Finance, and ordered to be printed.

STENOGRAPHER TO COMMITTEE ON FOREIGN RELATIONS.

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

Resolved, That the Committee on Foreign Relations be authorized to employ a stenographer to report hearings in relation to matters pending before it, to be paid from the contingent fund of the Senate.

LEGAL REPRESENTATIVES OF LIEUTENANT FOULKE.

On motion of Mr. HOAR, it was

Ordered, That the Secretary of State be directed to communicate to the Senate all information in his Department relating to the claim against the Government of the legal representatives of the late Lieutenant Foulke, sometime chargé d'affaires in Korea.

REPORT ON IMMIGRATION.

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

Resolved, That 2,000 additional copies of Report No. 290 be printed for the use of the Committee on Immigration.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BURROWS, it was

Ordered, That the papers in the claim of Sarah A. Moore, now in the office of the Secretary of the Senate, be withdrawn from the files of that office, and referred to the Committee on Pensions.

Ordered, That the papers in the claim of James G. Barker, now in the office of the Secretary of the Senate, be withdrawn from the files of that office, and referred to the Committee on Claims.

Ordered, That the papers in the claim of James K. Bowman, now in the office of the Secretary of the Senate, be withdrawn from the files of that office, and referred to the Committee on Pensions.

HOUSE BILLS REFERRED.

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

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson.

A bill (H. R. 1821) to reopen and adjust the account for service of Lieut. Col. W. A. Jones, Corps of Engineers; and

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna.

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

A bill (H. R. 2797) granting a pension to Peter B. Palmenteer;

A bill (H. R. 3432) for the relief of John E. Evans; and

A bill (H. R. 4220) granting a pension to Charles A. Foster, late acting assistant surgeon, United States Army.

The bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds was read twice by its title, and referred to the Committee on Indian Affairs.

TIMBER-CULTURE ENTRIES.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 103) relating to final proof in timber-culture entries; which was, in line 3, to strike out the word "hereafter."

Mr. DUBOIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

STENOGRAPHER TO COMMITTEE ON FOREIGN RELATIONS.

Mr. GALLINGER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report favorably the resolution submitted by the Senator from Ohio [Mr. SHERMAN], for which I ask immediate consideration.

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

The Secretary read as follows:

Resolved, That the Committee on Foreign Relations be authorized to employ a stenographer to report hearings in relation to matters pending before it, to be paid from the contingent fund of the Senate.

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

Mr. VEST. Does that come from the Committee on Contingent Expenses?

The VICE-PRESIDENT. It is reported favorably from the Committee to Audit and Control the Contingent Expenses, having been referred to that committee this morning.

Mr. SHERMAN. I will state to the Senator from Missouri that the committee have called before them the contestants for the building of a cable to China and Japan, and the committee were of the opinion that the examination ought to be made very carefully.

Mr. VEST. I do not desire to be hypercritical, of course, nor to interfere with the business of the Committee on Foreign Relations. I may have misapprehended the purport of the resolution. Does it propose to employ a stenographer permanently?

Mr. SHERMAN. Oh, no. It may be confined to a single case, or for a single week. As a matter of course, the committee will not abuse a privilege of that kind.

Mr. VEST. Let the resolution be again read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution.

Mr. VEST. I have no objection to the resolution.

Mr. CHANDLER. I understand that in all these cases the payment of the stenographer is so much a page. There can be no employment of a salaried stenographer under any such resolution. The employment is to do particular work; the compensation is so much per page, and if the reporting is not done no payment is made. That is the way I understand all resolutions which authorize a committee to employ a stenographer while taking reports of hearings which take place before it.

Mr. VEST. I have not the slightest objection to the resolution. I misapprehended its purport. Some one told me it was for the permanent employment of a stenographer.

Mr. GALLINGER and Mr. SHERMAN. Not at all.

Mr. VEST. In the Committee on Commerce, where we do a great deal of this kind of work, and have hearings almost from week to week, it is our habit to employ a stenographer for the time being, and he is paid by the page.

Mr. GALLINGER. That is what is intended to be done under this resolution, I will say to the Senator.

Mr. VEST. I have not the slightest objection to the resolution.

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

MATILDA GRESHAM.

Mr. GALLINGER. Mr. President, when the pension bills were under consideration a few days ago, at my request the bill granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, was laid over at the request of the Senators from Indiana. I now ask unanimous consent that that bill be taken up to permit the junior Senator from Indiana [Mr. TURPIE] to submit brief observations on the matter, and if there be no objection, I shall ask that the bill be acted upon at the close of his remarks.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of \$200 per month.

Mr. TURPIE. I move that the amendment to the bill reported by the Committee on Pensions be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Pensions, which will be stated.

The SECRETARY. In line 7, before the word "hundred," it is proposed to strike out "two" and insert "one"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Gresham, widow of Walter Q. Gresham, late a brigadier-general, at the rate of \$100 per month.

The amendment was agreed to.

Mr. TURPIE. Mr. President, Walter Q. Gresham, a native of Indiana, was at the beginning of the present Administration tendered the office of Secretary of State, and accepted the same.

This appointment took the country by surprise not greater than that which befell the recipient. He had never been known as a member of the Democratic party, and in respect of political precedents it was regarded as quite singular—as a broad departure from established usage—that he should have been selected for this high place.

The formation of the celebrated coalition ministry of England in 1783, in which Lord North and Mr. Fox, before that time most violent political adversaries, were commissioned as joint secretaries of state, does not afford a parallel. The famous coalition was, as is now well known, the result of careful conference and premeditated combination, elements wholly absent in the case of Gresham.

The taking of the same office by Mr. Clay, under the Presidency of the younger Adams, bore, perhaps, a stronger resemblance

thereto than any other in our own history, yet there are in such a parallel some very sharp discrepancies.

Mr. Clay was a very eminent public character, the idolized leader of one great section of his party. He had been himself a candidate for the Chief Magistracy. He and his friends had not supported at first the candidacy of Mr. Adams, but they had opposed that of General Jackson with as much zeal and earnestness as any of the friends of the newly elected President. After the failure of choice in the electoral college, when the question had come to close quarters in the House of Representatives, the friends of Mr. Clay openly advocated the choice of Mr. Adams, and really brought about his election. Whatever may have been the purpose or action of the followers of Mr. Clay in the beginning of this historic contest, in the end he became a principal supporter of the President thus chosen, and it was not in contravention of usage, but in strict accordance therewith, that he should receive the place of premier in the Cabinet.

Mr. Clay, in the meridian of his career as a civilian and diplomatist, had, in both Houses of Congress, during the Administration of Adams, a primacy almost as great as in the Cabinet of which he became a member. His friends in the Senate and the House distinctly approved of his acceptance of the position of Secretary of State—proudly bore with him the obloquy which accompanied it, treated with disdain the aspersions incident to his action, and prepared to give to his policy in the conduct of foreign affairs the same unfaltering support which they had so often before granted to their chief.

No such welcome, no such troop of friends greeted Gresham when he entered upon the discharge of the duties of his high office. He had, indeed, with marked credit, formerly held important positions in official life; he had been Postmaster-General; he had for a time been Secretary of the Treasury in the Administration of Arthur, but this was while he stood in the alignment, very near the front of the alignment, of the Republican party.

He now reentered public life a stranger to those of his old political household, and his introduction to those of the new, though evidenced by the manifest sign of Executive favor, lacked much of amity or intimacy therein.

His original position was one of threatened isolation, yet not long; the man himself was never isolated. His bonhomie, his modesty, his genuine truth and honesty of character, his uniform courtesy, his swift and accurate apprehension of the subjects and policies within the province of his Department, dominated the difficulties which surrounded him, and rapidly established between himself and his colleagues in the Administration and the members of the National Legislature those intimate and direct relations so necessary to the successful administration of the functions entrusted to his charge. Only superior abilities, with the wisest tact and discretion, could have availed to overcome these initial embarrassments of his latest public service.

At the very threshold of his term he was confronted with the serious complications arising from the then recent revolution in Hawaii. These were followed by a series of tentative negotiations concerning the tripartite protectorate instituted by a former Government over the Islands of Samoa, while about the same time a new treaty was concluded under his auspices with the Emperor of China, almost tantamount to a renewal of diplomatic relations with that Government.

The international regulations between Great Britain and the United States concerning the seal fisheries of Alaska received his constant and careful consideration.

The war between China and Japan, now so happily ended, wherein both belligerents requested that the protection of the citizens of either residing in the country of the other should be placed under the care and jurisdiction of the consular authorities of the United States, required the framing and execution of new rules and regulations, the justice and the equity of which established his reputation as a statesman and diplomatist in those distant regions, added to the prestige of our country, and led at last to the truce, the suspension of armed conflict, and to the restoration of peace between those nations.

His negotiations with Great Britain on the subject of the occupancy of certain places on the Mosquito Coast resulted in an ultimate settlement—very quiet, even now not much known—by which that power conceded that its claims to exercise sovereignty in any part of the territory were not well founded and no longer to be enforced.

Several of these negotiations were conducted simultaneously and required the utmost versatility of address and management. The mass of correspondence passing under his supervision and prepared by his direction, the large number of rapid and sudden messages of communication with our diplomatic and consular representatives in those remote quarters of the world where these affairs were being dealt with, disclosed the fact that no term of the office of Secretary of State has been more deeply marked than this, with the labor and responsibility incident thereto, since the close of the civil war.

Gresham was, at the time of his appointment as Secretary of State, judge of the circuit court of the United States, holding its principal sessions in the metropolis of the Northwest, the city of Chicago. He had been also for many years judge of the circuit and district courts in the State of Indiana. It is by his long and distinguished service in these positions that he is best known to the people of that section of the country.

Very acceptable to the profession by reason of his complaisance, patience, and diligence, well versed in the Federal practice, thoroughly imbued with the fundamental principles of the common law, fully acquainted with the statutory modifications thereof by acts of Congress, still the prominent, distinctive trait of his judicial character was the love of justice for its own sake. All other things were subordinate to this controlling passion. Substitutes were set aside, all subterfuges were scorned that this love of justice might have its way. In his court there was not the least respect of persons. The poor, the humble, the unknown, were heard, heeded, never denied, often comforted.

The partisan, in personal or professional guise, had no standing there—was dismissed without day. As he cleared away from his own heart and mind all considerations of political differences in the discharge of his judicial functions, so he did not tolerate them in others.

He suffered not the laborer to be defrauded of his hire. Bondholders and mortgagees might gain their priority in decree, but the just claims of the workman were never forgotten—always privileged and preferred. No matter what might be the condition of business upon his docket, charity and mercy had, for every day of the term, their places on the calendar. Such were the arts and such the qualities that clothed the ermine he wore with dazzling splendor in the eyes of that vast constituency among whom he administered the laws of his country.

He received his first judicial appointment, without solicitation, from President Grant, under whom he had served as a soldier during the war for the Union. He had been very severely wounded in battle; he had never recovered from the effects of this; death was the only cure.

The labors of the Federal bench, mainly sedentary in their character, accorded somewhat with his physical disability, with the severe recurring attacks of his infirmity, and many of his friends thought that the performance of the duties of the new office which he had assumed, very laborious and exacting, had shortened his life.

It is certain that even before his mortal illness premonitory symptoms of failing physical power, had betimes shown themselves. But the cheerful words and manner of the Secretary, the almost smiling, playful unconcern with which he spoke of his malady, deceived his friends as to its dangerous extent, even in the last days of his survival.

Much worn by the work and manifold anxieties of his great office, enfeebled more and more by the wasting exhaustion of the wound unhealed, he met without fear the last enemy, whom he had, in the shock of arms, often met before. Like a stricken sentinel, still keeping his post, calmly awaiting the approach of the relief guard, he sank into the grave.

In the beautiful language of Holy Writ we are taught that the grave is a place where the wicked cease from troubling and the weary are at rest. Not only the persecuted, the oppressed, the troubled have deliverance there; but the tired, those who have borne the burden and heat of the day—nobly, grandly borne it; needing release and quittance from their labor—these also, the weary, are at rest. All the children of Adam meet there together; none are shut out from that retreat. The rich and the penniless are there, the most eminent, the most obscure, the young and the aged, the small and the great are there, and the servant—even this great servant of the people—is free from his master.

Here, then, we may note the close of life of one who was no mere meddler among mediocrities, but a leader among chiefs, who strode, a youth, from the camp into the court, from the court into the Cabinet, and thence returned, and yet again stepped forward to the first place at the council table of the nation. Divorced, as he was, by the duties of his judicial station from active participation in the political contests of his time, with the keenest appreciation of those proprieties which he never overstepped, he received high honors from both the great parties of the country, as if nature had given him some strange right of primogeniture to survey the diversified fields of fame and action and to make his choice of them.

His promotion and advancement came to pass as of right—without self-seeking or reproach. Saying and doing in such a man had much of excellence, but being, more.

The strength which availed in him was that of being. It was that of the person, of tone, of touch, of presence—that which all men have noticed, which none have known; no, not at any time. That force which, like the X ray, eludes description and defies analysis.

The world allowed this claim of excellence, well pleased, with-

out protest, without demand or notice on his part. It was accepted and honored at sight.

As a soldier he was approved by Grant—one whom the great captain delighted to honor.

As a jurist, the long record of equities enforced, of rights vindicated, of wrongs redressed, unreversed and irreversible, attests his blameless probity and spotless honor.

As a statesman and diplomatist, the history of this age will yet give him high rank. Even the dusky myriads of the nations of the far East have learned to revere his name and memory—have sent only yesterday, across the ocean intervening, after the manner of the Orient, gifts, mementos, to the inmate of that house, now left unto her desolate, in token of their grief and gratitude.

The Senators who have the honor to represent the State of Indiana in this body have deemed it not unfitting that one of them, in behalf of both, and of the people of their great constituencies, should make some mention of a career and character so notable; and we entreat the Senate to favorably consider the pending measure, wherein the beneficiary is the consort, sadly bereaved, of one who had in many spheres of service deserved well of the Republic.

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

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

The title was amended so as to read: "A bill granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of \$100 per month."

BRIDGE ACROSS LAKE ST. FRANCIS, ARKANSAS.

Mr. BERRY. I ask unanimous consent to call up for present consideration the bill (H. R. 3962) to authorize the construction of a bridge across Lake St. Francis, in the State of Arkansas.

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

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

F. M. VANDLING.

Mr. QUAY. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 281) for the relief of F. M. Vandling.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Postmaster-General to give credit to F. M. Vandling, postmaster at Scranton, Pa., in the sum of \$8,300 for postage stamps stolen from that office on August 3, 1894, through no fault of the said F. M. Vandling.

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

REVENUE CUTTERS FOR THE GREAT LAKES.

Mr. McMILLAN. I ask unanimous consent to call up the bill (S. 1409) providing for the construction and equipment of two steam revenue cutters for service on the Great Lakes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to have constructed and equipped two steam revenue cutters of the first class for service on the Great Lakes at a cost of not exceeding \$200,000 for each vessel.

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

W. H. FERGUSON.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps. It has been favorably reported from the Committee on Finance.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to issue duplicates in the name of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps, in lieu of certain United States 4 per cent registered bonds inscribed in the name of H. Webb, trustee, the bonds having been lost or stolen from W. H. Ferguson after assignment in blank and delivery by H. Webb, trustee, to Ferguson.

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

ALLEGED ASSESSMENTS IN THE POST-OFFICE DEPARTMENT.

Mr. LODGE. Mr. President, I call for the regular order.

The VICE-PRESIDENT. The Senator from Massachusetts calls for the regular order. The Chair lays before the Senate a resolution submitted by the Senator from Kansas [Mr. PEPPER], coming over from a previous day, which will be stated.

The SECRETARY. A resolution, by Mr. PEPPER, instructing the Committee on Post-Offices and Post-Roads to make investigation as to the levying and collection of assessments for political purposes from employees of the Post-Office Department.

Mr. PEPPER. I ask that the resolution may lie upon the table subject to be called up when I may choose to do so.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the following act and joint resolution:

An act (S. 1591) to extend the mineral-land laws of the United States to lands embraced in the north half of the Colville Indian Reservation; and

The joint resolution (S. R. 39) making an appropriation to defray the joint expense of locating the boundary line between the Territory of Alaska and the British North American territory.

SALES AND PROCEEDS OF SALES OF BONDS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Massachusetts [Mr. LODGE], coming over from a previous day, which will be stated.

The SECRETARY. A resolution, by Mr. LODGE, directing the Committee on Finance to investigate and report all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894 to 1896, inclusive.

Mr. PEPPER. I heretofore offered an amendment in the nature of a substitute for the pending resolution. I ask that the amendment may be read.

The VICE-PRESIDENT. The amendment will be read.

Mr. ALLISON. Let the original resolution be read first.

The VICE-PRESIDENT. The resolution of the Senator from Massachusetts will first be read, and then the amendment of the Senator from Kansas will be read.

The Secretary read the resolution submitted by Mr. LODGE on the 19th instant, as follows:

Resolved, That the Committee on Finance be directed to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896, and how the proceeds of such bonds were disposed of, and to what purposes the said proceeds were devoted.

The SECRETARY. Amendment submitted by Mr. PEPPER on the 20th instant. It is proposed to strike out all after the word "*Resolved*" and insert:

That a committee of five Senators shall be appointed by the Vice-President, whose duty it shall be—

First. To investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Second. To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places, subject to the order of the Secretary of the Treasury, at the time the bonds were sold or offered for sale; whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale; what obligations were due at that time and the amount of each, stated separately; what was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale, if such unusual withdrawals were in fact made, and by what persons or classes of persons and for what purpose or on what account such withdrawals were made; who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions, and from what persons or classes of persons the gold was procured with which to pay for the bonds, what the bonds sold for, and what was the market price of our Government bonds at the time, and what effect the bond sales had on the credit and business of the people of the United States.

Third. To investigate and report as to the manner of disposing of said bonds, by what authority, and what contracts, advertisements, or proposals were made by the Secretary of the Treasury in relation thereto; what agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any other person or persons with respect to the sale and purchase of the bonds, and what profits were made by the purchasers; whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement, or arrangement; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kansas [Mr. PEPPER].

Mr. LODGE. I move to lay the amendment on the table.

Mr. HILL. Mr. President—

Mr. LODGE. I believe the motion is not debatable, Mr. President.

Mr. HILL. I simply wish to suggest to the Senator from Massachusetts that this is the amendment or substitute—

Mr. LODGE. I ask if the motion is debatable?

The VICE-PRESIDENT. The motion is not debatable.

Mr. PEPPER. I ask for the yeas and nays on agreeing to the motion of the Senator from Massachusetts [Mr. LODGE].

Mr. HILL. I ask unanimous consent to speak merely for a moment.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New York?

Mr. LODGE. Certainly not.

Mr. HILL. The amendment offered by the Senator from Kansas is in effect a substitute for the resolution of the Senator from Massachusetts. It was offered the other day, and I spoke briefly upon it; I did not at that time complete my remarks. I understand the Senator from Kansas now desires to press the amendment, which brings up the whole question.

Mr. PEPPER. I do not desire to discuss the amendment at all. I simply wish to have a vote upon it.

Mr. HILL. I desire to discuss it.

Mr. LODGE. I must insist upon my motion.

Mr. HILL. I desire to discuss the matter.

Mr. LODGE. I have moved to lay the amendment on the table.

The VICE-PRESIDENT. The Chair understood the Senator from Massachusetts to withdraw his objection to the request of the Senator from New York.

Mr. LODGE. I understood that the Senator from New York simply desired to make a suggestion. I did not understand that he was going to make a speech. I moved purposely to lay the amendment on the table in order to cut off debate on the amendment.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent to address the Senate upon the pending amendment. Is there objection?

Mr. LODGE. I object.

The VICE-PRESIDENT. There is objection. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. LODGE] to lay the amendment on the table.

Mr. HILL. I thought unanimous consent had been given to me to speak, but I will find some way to speak.

Mr. LODGE. The Senator from New York will have ample time to discuss my resolution if the motion to lay on the table is agreed to.

The VICE-PRESIDENT. The Senator from Kansas demands the yeas and nays on the motion of the Senator from Massachusetts.

The yeas and nays were ordered.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. PASCO. I think it would be well for the Chair to state the question that is before the Senate.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. LODGE], to lay upon the table the amendment submitted by the Senator from Kansas [Mr. PEPPER], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Illinois [Mr. PALMER]. I suggest that a transfer be made so that that Senator will stand paired with the Senator from Connecticut [Mr. PLATT], who is absent and has requested that he be paired. I do not know how either of them would vote. I vote "nay."

Mr. McMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. I propose to exchange pairs with the Senator from North Carolina [Mr. PRITCHARD], who is paired with the Senator from Louisiana [Mr. BLANCHARD], and that transfer being made, I vote "nay."

Mr. WOLCOTT (when his name was called). I am paired with the junior Senator from Ohio [Mr. BRICE]. I am not aware how he would vote, and I therefore withhold my vote. If the junior Senator from Ohio were present and voting, I should vote "nay." The roll call was concluded.

Mr. MITCHELL of Oregon. I am paired with the senior Senator from Wisconsin [Mr. VILAS]. If he were here, I should vote "nay."

Mr. HOAR. I am paired with the junior Senator from Alabama [Mr. PUGH]. I do not know how he would vote on this motion. I should vote "yea," but I will withhold my vote. I know that the junior Senator from Alabama is generally favorable to the matter of this investigation.

Mr. GALLINGER. I announce my pair with the senior Senator from Texas [Mr. MILLS]. If he were present, I should vote "nay."

Mr. HANSBROUGH. I desire to pair the Senator from Connecticut [Mr. PLATT] with the Senator from Wyoming [Mr. WARREN].

Mr. MCBRIDE. I am paired with the Senator from Mississippi [Mr. GEORGE]. I do not know how he would vote if present. Therefore I withhold my vote. If the Senator from Mississippi were present, I should vote "nay."

The result was announced—yeas 16, nays 34; as follows:

YEAS—16.

Aldrich,
Allison,
Bacon,
Chandler,

Cullom,
Frye,
Gear,
Gorman,

Gray,
Hawley,
Lodge,
Morrill,

Palmer,
Quay,
Sherman,
Wetmore.

NAYS—34.

Allen,
Baker,
Bate,
Berry,
Brown,
Burrows,
Butler,
Caffery,
Cameron,

Cannon,
Carter,
Chilton,
Cockrell,
Davis,
Gordon,
Hansbrough,
Harris,
Hill,

Jones, Nev.
Lindsay,
Mantle,
Martin,
Morgan,
Pasco,
Peffer,
Perkins,
Pritchard,

Roach,
Shoup,
Teller,
Turpie,
Vest,
Walthall,
White.

NOT VOTING—39.

Blackburn,
Blanchard,
Brice,
Call,
Clark,
Daniel,
Dubois,
Elkins,
Faulkner,
Gallinger,

George,
Gibson,
Hale,
Hoar,
Irby,
Jones, Ark.
Kyle,
McBride,
McMillan,
Mills,

Mitchell, Oreg.
Mitchell, Wis.
Murphy,
Nelson,
Pettigrew,
Platt,
Proctor,
Pugh,
Sewell,
Smith,

Squire,
Stewart,
Thurston,
Tillman,
Vilas,
Voorhees,
Warren,
Wilson,
Wolcott.

So the Senate refused to lay Mr. PEPPER's amendment upon the table.

Mr. BACON. In order that my vote upon the motion to lay upon the table may not be misunderstood, I ask permission of the Senate to state that while I favor an investigation, I prefer the resolution as offered by the junior Senator from Massachusetts [Mr. LODGE]. For that reason I voted to lay the amendment on the table with the intention and for the purpose of voting for the original resolution offered by him.

Mr. HARRIS. I voted against laying the amendment of the Senator from Kansas on the table for the reason that I am not inclined to object to any extent of investigation any Senator desires to have; but I move to amend the amendment of the Senator from Kansas by striking out that part of the amendment which provides for the raising of a select committee and inserting "That the Committee on Finance be directed to investigate." I am opposed to raising a select committee for the purposes indicated. As I stated, I have no objection to any extent of investigation that any Senator may deem necessary or proper or desire to have, but the Finance Committee is a standing committee of the body and the proper committee to conduct such an investigation, in my opinion.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Tennessee [Mr. HARRIS] to the amendment of the Senator from Kansas [Mr. PEPPER].

Mr. HILL. Mr. President, I voted against the motion to lay on the table because I assumed that before this debate should go over the resolution, in substantially the same form, would be offered again by some Senator, and therefore we might as well discuss it at one time as another.

I am opposed to the proposition of the Senator from Kansas, as I stated the other day when it was proposed by him in an independent form. Subsequently the Senator from Massachusetts offered the resolution which is now before the Senate, to which the Senator from Kansas moved his resolution as an amendment. I am free to say, sir, that so far as the resolution of the Senator from Massachusetts is concerned, it is not objectionable in form, that it treats the Secretary of the Treasury courteously, and that in other respects it is unobjectionable if any investigation whatever is to be had.

Mr. President, I do not assume that it is the province of the Senate to investigate any and every subject that may be presented for investigation by a Senator. I think, on the contrary, that we will best discharge our duties by exercising a wise discrimination in regard to these investigations, that we should scrutinize the resolutions as they are presented, that we should ascertain the motives behind them if we can, and the real object to be subserved by pressing them.

It is a strange doctrine, sir, that every act of a Department is to be investigated simply upon the bare suggestion of a Senator. Mr. President, we have a right to call for information. We have a right to direct Departments to respond at length in reference to particular inquiries which may be embraced in resolutions; and the various Departments of the Government very quickly respond. Requests for information are one thing, entirely unobjectionable; requests for investigations, formal investigations, solemn investigations, are an entirely different thing.

Mr. President, you can not change the public opinion in regard to investigations formally ordered by the Senate. There is always an implication in the public mind that there is something to be investigated, something that requires investigation, something demanding it, because something has been done out of the ordinary course of public affairs. I think I can lay down a better rule, which is, that before either a standing committee or a select com-

mittee shall be empowered to conduct a formal investigation of a public transaction there shall be something tangible presented, something definite, something specific, and that we should not rush over one another in our haste to investigate public affairs every time some Senator here suggests an inquiry.

Sir, I am opposed to the proposed investigation not merely because this resolution affects a Democratic Secretary of the Treasury. I would oppose it, sir, if my worst political opponent occupied that high chair. I oppose it because it is based upon nothing tangible. I oppose it because there are things recited in these resolutions which are mere idle rumor. I oppose it because the things to be investigated are mainly merely sensational newspaper gossip; nothing more nor less. I oppose it because the whole investigation seems to be based upon the wails and complaints of disappointed bidders. Therefore, sir, I start out with the proposition that resolutions of investigation should not be hastily passed; that they should not be lightly considered; that we should proceed cautiously and carefully before we delegate such a power, to make reports and to affect by written conclusions presented to this body the conduct of public officials.

As I said at the outset, requests for information are one thing, but in a proceeding to investigate something more is required. I say that the mere passage of a resolution of inquiry implies in the public estimation, if not in fact, the existence of a well-founded suspicion of some wrongdoing. I know it might be said that a suit for divorce by a man against his wife, or a wife against her husband, implies nothing; it is simply brought for the purpose of determining the guilt or the innocence of the party, that is all; it is a mere inquiry to see whether the alleged charges are true or false. Upon the same reasoning it might be said that an indictment for a crime is merely an *ex parte* proceeding; that it casts no reflection upon a man; that it is simply instituted for the purpose of determining the question whether or not the accused is guilty, that is all.

Mr. President, formal investigation by the Senate of the United States of an alleged official transaction should not be hastily passed, but should be most carefully considered.

The Senator from Kansas who instituted this investigation the other day, the first resolution on the subject, said that he wanted to gratify public curiosity. The ground of inquiry stated by a Senator of this body was to gratify public curiosity. I submit before we proceed to gratify public curiosity let there be presented some specific charges from some responsible source, charges not from Senators who do not themselves assume to have any personal knowledge of the transactions. Let the charges come from some person or persons who do claim to be possessed of some knowledge, or be championed by some one who stands here ready to say that he honestly believes them.

Mr. President, while now speaking on the subject of investigations generally, let me suggest that if this investigation shall be ordered it will be difficult to resist any investigation that may be demanded in the future—an investigation of any kind or character, no matter how trivial, no matter how unsatisfactory the facts may be upon which it is desired. Open up this practice, start out with it upon the broad ground that every time a transaction has taken place by any Department of this Government we must proceed upon the mere *ipse dixit* of a Senator to institute a formal investigation, and I say you let loose a flood which you can not stop. We set a precedent here which will surely return to plague us. Every investigation then requested by a Senator must be granted, if consistency is hereafter to be observed.

Mr. President, it strikes me that if there is anything in the recent bond sales which requires investigation there should be a resolution presented in a series of "whereases," that we may precisely know what is the charge presented, in order that we may know just what is claimed, in order that the result when reached may be compared with what was anticipated, predicted, and alleged.

In this case, on either resolution, if we proceed at all we must proceed in the dark, in order possibly better to stab in the dark. There is an attempt to insinuate what is hesitated to be boldly asserted. The author of the Peffer resolution, if I may so term it, stated his reasons in his speech and he is presumed to have stated them all. I suggest that he knows as well as anybody knows what he wants. He has introduced a great many resolutions of investigation in the Senate, and he is an adept and an expert in regard thereto. The other day in his speech he said that he was glad I had anticipated him in his resolution by asking that the Secretary furnish to the Senate a list of the bidders, the names and amounts paid, etc., and he recalls the fact that several years ago I stood by him in certain information that he was seeking in the Senate. It was during the panic of 1893. I recall the circumstance well. But, sir, I beg to remind him that that was not a resolution of investigation at all. It neither called for a special nor a regular committee to investigate. It was a resolution calling upon the Secretary of the Treasury for what information he might have in his Department showing whether certain banks in New York,

Philadelphia, and Boston were or were not violating the law in the issuing of clearing-house certificates. That was the resolution, and it was a very proper resolution of inquiry. It was a usual and ordinary resolution calling for information from that Department.

Sir, I have nothing to regret in the fact that I did support the Senator from Kansas in asking for that information. Subsequently, if I recollect aright, some two or three months afterwards, after the panic was somewhat over, the resolution was passed and the Secretary of the Treasury reported that he had no information in his possession in regard thereto. So much for that. That is an entirely different proceeding from the one now before the Senate which he has introduced.

Mr. President, let me reiterate what I said the other day. The Senator says, in the first place, he wants to investigate by what authority these bonds were issued. In the few moments given to me the other day I discussed that question. I said distinctly that the authority was given under the act of 1875. What do you want a special committee or a general committee to investigate that legal question again for? As I said then and repeat now, has it not been stated over and over again in official communications, in messages and reports? Yet one of the first points involved in this resolution is to investigate the question as to the authority of the Secretary of the Treasury to issue these bonds.

I know it has been stated here by several of the farmers in the Senate that they doubted the authority. The Senator in front of me [Mr. ALLEN] says that the Treasury Department has no authority. I used to listen with great interest to what that Senator said upon judicial and legal questions, coming here as he did from a distant State, having served in that State in a high judicial capacity. I formerly listened and paid great attention to what he said upon legal questions. I must differ from him now, because the other day, you will recollect, he rose in the Senate and said that he was a farmer; and if that is so I am inclined not to follow his judicial opinions any longer.

Mr. ALLEN. I said I was a democrat.

Mr. HILL. One statement was perhaps about as true as the other. If he is no better farmer than he is a democrat, I pity the crops that are raised out in Nebraska. [Laughter.]

The VICE-PRESIDENT. The Senator from New York will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

WAR IN CUBA.

The Senate resumed the consideration of the following concurrent resolution, reported on the 5th instant by the Committee on Foreign Relations:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States—

The pending question being on the amendment submitted by Mr. CAMERON to substitute for the concurrent resolution the following:

Resolved, That the President is hereby requested to interpose his friendly offices with the Spanish Government for the recognition of the independence of Cuba.

Mr. MORGAN. Mr. President, on the 29th of January, by order of the Committee on Foreign Relations, I reported from that committee a concurrent resolution on the subject of the recognition of belligerency in Cuba. Afterwards the committee chose to change their ground, with my concurrence (I was pleased with the change), and they reported the resolution which is now before the Senate. That was on the 5th day of February. I now ask unanimous consent that the resolution reported on the 5th day of February shall be substituted for the resolution reported on the 29th of January from the same committee.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from Alabama asks unanimous consent that the resolution reported from the Committee on Foreign Relations on February 5 may be substituted for the one reported from that committee on the 29th of January. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORGAN. Mr. President, on last Thursday, when I had the honor of occupying the floor upon the resolution which is now before the Senate, several questions of a very grave and important nature were asked me by Senators, which I said at the time I should endeavor to answer before I finally left the floor upon this resolution. Before doing so, however, I shall present in order, and as concisely as I can, a statement of our relations with Spain in connection with Cuba, based upon the utterances of our predecessors in the Senate and of some of the wisest statesmen who have filled the highest places in our Government. I shall be painstaking in this and other presentations of the facts and opinions of the various American statesmen, because the committee have not seen proper to present a formal report in which they have displayed the whole ground of their action upon this very important subject.

Mr. Adams, in April, 1823, while Secretary of State, in a letter to Mr. Nelson writes as follows:

In the war between France and Spain, now commencing, other interests, peculiarly ours, will in all probability be deeply involved. Whatever may be the issue of this war as between those two European powers, it may be taken for granted that the dominion of Spain upon the American continents, North and South, is irrevocably gone. But the islands of Cuba and Puerto Rico still remain nominally, and so far, really, dependent upon her, that she yet possesses the power of transferring her own dominion over them, together with the possession of them, to others. These islands, from their local position, are natural appendages to the North American continent, and one of them (Cuba) almost in sight of our shores, from a multitude of considerations, has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position, with reference to the Gulf of Mexico and the West India seas; the character of its population; its situation midway between our southern coast and the Island of Santo Domingo; its safe and capacious harbor of the Havana, fronting a long line of our shores destitute of the same advantage; the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial, give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of this Union together. Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering, in the process of time, and even now verging to maturity, that, in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself.

The same great statesman from the Northeast, on the 28th of April, 1823, writing also to Mr. Nelson, says:

The transfer of Cuba to Great Britain would be an event unpropitious to the interests of this Union. The opinion is so generally entertained, that even the groundless rumors that it was about to be accomplished, which have spread abroad, and are still teeming, may be traced to the deep and almost universal feeling of aversion to it and to the alarm which the mere probability of its occurrence has stimulated. The question both of our right and of our power to prevent it, if necessary by force, already obtrudes itself upon our councils, and the Administration is called upon, in the performance of its duties to the nation, at least, to use all the means within its competency to guard against and forefend it.

On the 11th of June, 1823, Mr. Jefferson, in writing to President Monroe on this same subject, said:

I had supposed [when writing a former letter] an English interest there (in Cuba) quite as strong as that of the United States, and therefore that to avoid war and keep the island open to our own commerce it would be best to join that power in mutually guaranteeing its independence. But if there is no danger of its falling into the possession of England, I must retract an opinion founded on an error of fact. We are surely under no obligation to give her gratis an interest which she has not; and the whole inhabitants being averse to her, and the climate mortal to strangers, its continued military occupation by her would be impracticable. It is better, then, to lie still, in readiness to receive that interesting incorporation when solicited by herself, for certainly her addition to our confederacy is exactly what is wanted to round our power as a nation to the point of its utmost interest.

Mr. Clay takes up the subject in a letter to Mr. King, of October 17, 1825, and says:

Instructions were sent, under direction of the President (Mr. J. Q. Adams), by Mr. Clay, when Secretary of State, to the ministers to the leading European Governments to announce "that the United States, for themselves, desired no change in the political condition of Cuba; that they were satisfied that it should remain, open as it now is, to their commerce, and that they could not with indifference see it passing from Spain to any (other) European power."

In writing to Mr. Brown on the 25th of October, 1825, Mr. Clay said:

You will now add that we could not consent to the occupation of those islands (Cuba and Puerto Rico) by any other European power than Spain under any contingency whatever.

Mr. Webster, Secretary of State, writing to Mr. Campbell, on the 14th day of January, 1843, says:

The Spanish Government has long been in possession of the policy and wishes of this Government in regard to Cuba, which have never changed, and has repeatedly been told that the United States never would permit the occupation of that island by British agents or forces upon any pretext whatever; and that in the event of any attempt to wrest it from her, she might securely rely upon the whole naval and military resources of this country to aid her in preserving or recovering it.

On the 15th of July, 1840, Mr. Forsyth, Secretary of State, writing to Mr. Burwell, says:

The United States will resist at every hazard an attempt of any foreign power to wrest Cuba from Spain. "And you are authorized to assure the Spanish Government that in case of any attempt, from whatever quarter, to wrest from her this portion of her territory, she may securely depend upon the military and naval resources of the United States to aid her in preserving or recovering it."

While Secretary of State, Mr. Buchanan wrote to Mr. Saunders, on the 13th of June, 1847, as follows:

The United States will not tolerate any invasions of Cuba by citizens of neutral States.

Mr. Crittenden, of Kentucky, while Acting Secretary of State, in writing to Mr. Sartiges, on the 22d of October, 1851, says:

The geographical position of the Island of Cuba, in the Gulf of Mexico, lying at no great distance from the mouth of the river Mississippi, and in the line of the greatest current of the commerce of the United States, would become, in the hands of any powerful European nation, an object of just jealousy and apprehension to the people of this country. A due regard to their own safety and interest must therefore make it a matter of importance to them who shall possess and hold dominion over that island. The Government of France and those of other European nations were long since officially apprised by this Government that the United States could not see without concern that island transferred by Spain to any other European State.

Mr. Webster again, while Secretary of State, writing to Mr. Ballinger, on the 26th of November, 1851, says:

The colonies of Spain are near to our own shores. Our commerce with them is large and important, and the records of the diplomatic intercourse between the two countries will manifest to Her Catholic Majesty's Government how sincerely and how steadily the United States has manifested the hope that no political changes might lead to a transfer of these colonies from Her Majesty's Crown. If there is one among the existing Governments of the civilized world which for a long course of years has diligently sought to maintain amicable relations with Spain it is the Government of the United States. Not only does the correspondence between the two Governments show this, but the same truth is established by the history of the legislation of this country and the general course of the executive government. In this recent invasion Lopez and his fellow-subjects in the United States succeeded in deluding a few hundred men by a long-continued and systematic misrepresentation of the political condition of the island and of the wishes of its inhabitants. And it is not for the purpose of reviewing unpleasant recollections that Her Majesty's Government is reminded that it is not many years since the commerce of the United States suffered severely from armed boats and vessels which found refuge and shelter in the ports of the Spanish islands. These violators of the law, these authors of gross violence toward the citizens of this Republic, were finally suppressed, not by any effort of the Spanish authorities, but by the activity and vigilance of our Navy. This, however, was not accomplished but by the efforts of several years, nor until many valuable lives, as well as a vast amount of property, had been lost. Among others, Lieutenant Allen, a very valuable and distinguished officer in the naval service of the United States, was killed in an action with these banditti.

I now read from the third annual message of President Fillmore in 1852:

The affairs of Cuba formed a prominent topic in my last annual message. They remain in an uneasy condition, and a feeling of alarm and irritation on the part of the Cuban authorities appears to exist. This feeling has interfered with the regular commercial intercourse between the United States and the island, and led to some acts of which we have a right to complain. But the captain-general of Cuba is clothed with no power to treat with foreign Governments, nor is he in any degree under the control of the Spanish minister at Washington. Any communication which he may hold with an agent of a foreign power is informal and a matter of courtesy.

Mr. Marcy, when Secretary of State, writing to Mr. Buchanan, on July 2, 1853, said:

Nothing will be done on our part to disturb its (Cuba's) present connection with Spain, unless the character of that connection should be so changed as to affect our present or prospective security. While the United States would resist at every hazard the transference of Cuba to any European nation, they would exceedingly regret to see Spain resorting to any power for assistance to uphold her rule over it. Such a dependence on foreign aid would in effect invest the auxiliary with the character of a protector and give it a pretext to interfere in our affairs, and also generally in those of the North American continent.

This review of the opinions and statements on these particular topics indicates a very firm and thoroughly understood attitude of the Government of the United States toward Spain in reference to the Island of Cuba. The subject of the acquisition of the Island of Cuba as one of our possessions, we see, was first brought in direct form to the attention of the people of the United States by President Adams, and he then took ground, which was stated as a prophecy, that in fifty years from the time he wrote he expected that Cuba would be in the possession of this country as one of our States or Territories. This subject gained such a hold upon public attention that our ministers at foreign courts in the year 1854, Mr. Buchanan, Mr. Mason, and Mr. Soule, were instructed by the President of the United States to meet at some place in Europe, and there confer upon the best method of acquiring Cuba as one of our possessions, and their meeting was called the Ostend Conference. They met at Ostend, and in Lawrence's Wheaton the result of their meeting is stated, which I will read:

In the summer of 1854 a conference was held by the ministers of the United States accredited at London, Paris, and Madrid, with a view to consult on the negotiations which it might be advisable to carry on simultaneously at these several courts for the satisfactory adjustment with Spain of the affairs connected with Cuba. The joint dispatch of Messrs. Buchanan, Mason, and Soule to the Secretary of State, dated Aix-la-Chapelle, October 18, 1854, after remarking that the United States had never acquired a foot of territory, not even after a successful war with Mexico, except by purchase or by the voluntary application of the people, as in the case of Texas, thus proceeds: "Our past history forbids that we should acquire the Island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our self-respect. While pursuing this course, we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed. After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, Does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union? Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in wresting it from Spain, if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there were no other means of preventing the flames from destroying his own home. Under such circumstances, we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question whether the present condition of the island would justify such a measure."

President Buchanan, in his second annual message, speaking on the subject of the Island of Cuba, says:

The Island of Cuba, from its geographical position, commands the mouth of the Mississippi and the immense and annually increasing trade, foreign and coastwise, from the valley of that noble river, now embracing half the sovereign States of the Union. With that island under the dominion of a distant foreign power, this trade, of vital importance to these States, is exposed to the danger of being destroyed in time of war, and it has hitherto been subjected to perpetual injury and annoyance in time of peace. Our

relations with Spain, which ought to be of the most friendly character, must always be placed in jeopardy whilst the existing colonial government over the island shall remain in its present condition.

And in his third annual message Mr. Buchanan said:

I need not repeat the arguments which I urged in my last annual message in favor of the acquisition of Cuba by fair purchase. My opinions on that measure remain unchanged. I, therefore, again invite the serious attention of Congress to this important subject. Without a recognition of this policy on their part it will be almost impossible to institute negotiations with any reasonable prospect of success.

General Grant, in his special message of June 13, 1870, to the Congress of the United States, seems to have encountered a development of feeling of hostility and jealousy on the part of Spain on account of our relations to Cuba, and possibly on account of all these utterances of our great and leading men, which gave him very deep concern and caused him to send a special message to the Congress of the United States, from which I will make a liberal extract, for the purpose of showing the progress of opinion and of sentiment in the United States, and in Spain also, upon subjects which seem now to have driven us very wide apart. He said:

In my annual message to Congress, at the beginning of its present session, I referred to the contest which had then for more than a year existed in the Island of Cuba between a portion of its inhabitants and the Government of Spain, and the feelings and sympathies of the people and Government of the United States for the people of Cuba, as for all peoples struggling for liberty and self-government, and said that "the contest has at no time assumed the conditions which amount to war, in the sense of international law, or which would show the existence of a de facto political organization of the insurgents sufficient to justify a recognition of belligerency."

During the six months which have passed since the date of that message the condition of the insurgents has not improved; and the insurrection itself, although not subdued, exhibits no signs of advance, but seems to be confined to an irregular system of hostilities, carried on by small and ill-armed bands of men roaming, without concentration, through the woods and the sparsely populated regions of the island, attacking from ambush convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause.

But if the insurrection has not gained ground, it is equally true that Spain has not suppressed it. Climate, disease, and the occasional bullet have worked destruction among the soldiers of Spain; and, although the Spanish authorities have possession of every seaport and every town on the island, they have not been able to subdue the hostile feeling which has driven a considerable number of the native inhabitants of the island to armed resistance against Spain, and still leads them to endure the dangers and the privations of a roaming life of guerrilla warfare.

On either side the contest has been conducted, and is still carried on, with a lamentable disregard of human life and of the rules and practices which modern civilization has prescribed in mitigation of the necessary horrors of war. The torch of Spaniard and of Cuban is alike busy in carrying devastation over fertile regions; murderous and revengeful decrees are issued and executed by both parties. Count Valmaseda and Colonel Boet, on the part of Spain, have each startled humanity and aroused the indignation of the civilized world by the execution, each, of a score of prisoners at a time, while General Quesada, the Cuban chief, coolly, and with apparent unconsciousness of aught else than a proper act, has admitted the slaughter, by his own deliberate order, in one day, of upward of 650 prisoners of war.

A summary trial, with few, if any, escapes from conviction, followed by immediate execution, is the fate of those arrested on either side on suspicion of infidelity to the cause of the party making the arrest.

Whatever may be the sympathies of the people or of the Government of the United States for the cause or objects for which a part of the people of Cuba are understood to have put themselves in armed resistance to the Government of Spain, there can be no just sympathy in a conflict carried on by both parties alike in such barbarous violation of the rules of civilized nations, and with such continued outrage upon the plainest principles of humanity.

We can not discriminate in our censure of their mode of conducting their contest between the Spaniards and the Cubans; each commits the same atrocities and outrages alike the established rules of war.

The properties of many of our citizens have been destroyed or embargoed—

That means confiscated—

the lives of several have been sacrificed, and the liberty of others has been restrained. In every case that has come to the knowledge of the Government, an early and earnest demand for reparation and indemnity has been made, and most emphatic remonstrance has been presented against the manner in which the strife is conducted, and against the reckless disregard of human life, the wanton destruction of material wealth, and the cruel disregard of the established rules of civilized warfare.

That was in the message of June 13, 1870. Even at the end of the brief period which has passed since the delivery of that message by General Grant, one of the most heroic men who ever lived, inured to warfare, and understanding all about its effects and dire results, the people of the United States read this message now again, and reflect upon it, and they wonder how it ever happened that the Government of the United States could stand idly and indifferently by and permit such outrages to go on in the Island of Cuba as those perpetrated there. It was done, Mr. President, in the hope and in the expectation that the Crown of Spain would be enabled to subjugate what was then considered to be a riotous mob, not amounting to a great army in the field, and would by reconciliation bring the people who were natives of this island back to the love of their flag and country, and would cause them to embrace the Monarchy of Spain when it held out to them the gentle hand of promise and made the faithful pledge that in the future their political and personal situation should be better than it had ever been.

I will take occasion here to remark that those pledges were given by the Government of Spain to the people of Cuba, and in consequence of the fact that the Government of the United States at that time turned its back upon the slaughter of more than 600

prisoners by a general who ordered them to be shot down like cattle in a slaughter pen, those people, seeing that the circumstances of their situation were such that they could have no sympathy and comfort from the outside world, turned again to Spain and yielded to her their submission. What has been the result of it? The fruit of it, Mr. President, is now too obvious and distinct to admit of question. The persecutions were renewed because we did not force upon Spain a more humane policy. The promises thus made by Spain to procure the submission of the people of Cuba under the circumstances recited in the message of General Grant have been broken in every possible form, as the Cubans assert, and it has renewed the spirit of revolution, the desire for emancipation, and the love of liberty more potently than it has ever existed heretofore in the Island of Cuba. It may be very well said that our forbearance toward Spain and our omission to do a duty which even then turned our nerves almost into steel with anxiety to perform it have been one more inciting cause of the present lamentable condition of affairs in that island.

This war kept on during President Grant's two terms in office and then during the term of Mr. Hayes in office, and during a part of the term of Mr. Arthur in office, before it could be ended, and it was not until his Administration had proceeded for more than a year, I believe, that Mr. Arthur congratulated the Congress of the United States and the people of the United States on the termination of hostilities in Cuba, under circumstances which promised relief to those people from the oppressions which they had theretofore endured, through the firm, distinct promises of the Government of Spain, all of which Cubans insist have been broken and about which I think there can not be any possible doubt.

The Cubans allege that Spain has broken faith with her own people—that breach of faith which is treason to honor and cruelty added to deliberate deception. Vattel describes civil war and its incidents and results on pages 424 and 425, which I will not now stop to read, and on page 423 of his wonderful book he treats of the obligations of the sovereign to keep faith with the subjects whose submission he has obtained through promises. I refer to these pages for the purpose of getting the attention of Senators to the fundamental law which is laid down by that great writer on the subject of the duty of a government to keep faith with its own citizens when they have once risen in rebellion against that government and at the end of strife or war have yielded their submission to the government upon certain published and agreed conditions. When the submission of the people is obtained by promises of reform, or the conception of new guaranties of liberties to them, there can be no dispute about the justice of their resistance.

If the people of Cuba had been at war with the United States and had surrendered to us, if you please, on a pledge given by treaty that we would grant to them certain rights and privileges, and afterwards we had wickedly and unjustly refused to comply with our promise, that would be a cause of complaint as between two nations which would be classed among that great, almost innumerable, category of causes of complaint which have so frequently brought the nations of the earth into antagonism on battlefields. But in a case of that kind there would be no breach of moral faith toward men of your own blood and your own kindred who had a quarrel, admitted to be righteous and just, to a large extent, because of the reformation which was promised, which quarrel was settled by a submission on the grounds that they would return to all their duties to that Government if the Government would promise to secure them certain rights and privileges which were thereupon agreed to.

Such agreements between the subject and the Crown, between the party who must submit to the superior force of his own Government and the ruling authorities, are attended with a sanction that does not belong to any of the ordinary agreements between nation and nation. They are rested upon the supposition that the monarch has a friendship, a regard, and even a love for his subjects; that he is not their natural enemy; that he is not in office for the purpose of breaking faith with them and robbing them of privileges and rights which he has solemnly granted to them.

But, Mr. President, the history of Cuba from 1717 to the present time is almost a continuous record of complaints, riots, attempted revolutions by the natives on account of alleged oppressions of Spanish rulers and the breach of the promises with which they were compelled to buy their peace from time to time. The measures of repression by which those complaints were stifled and the insurrections were suppressed were extremely cruel and destructive. President Grant has recited some of those things in his message to the Congress of the United States, which I have just read, to which no tongue and no pen could add anything by way of emphasis or to darken the picture.

Twelve men were hanged by Captain-General Guazo in 1723, nearly two centuries ago, and a state of siege was then authorized to be declared throughout the island whenever the captain-general wished it as a precautionary measure. The Island of Cuba from 1723 down to the present time has been left in an attitude

where a captain-general at his will and pleasure at any moment of time can declare a state of siege and the existence of martial law. Now, it is impossible to conceive that any people in the world can be under a more strenuous, disagreeable, and dangerous restraint and threat than that which results from the power of their ruler without consulting anybody else at all, at any moment of time to declare a state of war.

Mr. FRYE. Has the captain-general ever been a Cuban?

Mr. MORGAN. Oh, no. That was never within the contemplation of the Government of Spain so far as I have ever heard.

In 1851 50 men of the Lopez expedition were shot in Havana. These are not referred to by General Grant except in general terms. In 1854 Pinto and his associates to the number of 100 men were shot or deported. Then followed the ten years' war from 1867 to 1878, during the progress of which these enormities occurred to which General Grant refers. Spain had more than 90,000 troops in the field in that war. In 1869 the Spanish troops committed atrocities that shocked the civilized world in the wholesale slaughter of men, women, and children in Havana at the Villa Nueva Theater, at the Louvre, and in the sacking of the house of Aldama.

The number of these cruelties is almost beyond comprehension, and the loss of life is appalling. Spain marched into the war 80,000 troops and brought out 12,000. It is stated on high authority that "according to official reports forwarded from Madrid, by the United States minister, 13,600 Cubans had been killed in battle up to August, 1872, besides 43,500 prisoners whom the Spanish minister admitted to have been put to death."

We, Mr. President, have been so blessed with the kindly fruits of liberty in this country, we have had so much of national enjoyment, we have had so much of pleasant occupation in taking care of the affairs of our own great Government and our wonderfully increasing population and our developing wealth and our glorious prestige among the nations of the earth and in illustrating by our conservative and industrious and virtuous example the blessings to mankind of this wonderful form of Government which has been established and conducted here, that it seems we have forgotten the sufferings of those so close to ourselves. Now, can it be possible that a mistake is made by an accurate and able historian when he says to us that the Spanish minister admitted that in that war in addition to 13,600 Cubans who had been killed in battle, 43,500 prisoners had been put to death?

I confess that when I came across that statement in an authentic history to which we give credit, I read it over and over to ascertain whether it could have been possible that such a multitude of humanity had been slaughtered within 90 miles of the coast of the United States during that ten years' war; and I inquired of myself, What has Christianity been doing in the world if in this age, the nineteenth century, it has been possible that such things could be done in an island like Cuba, and that this great and free Republic could stand indifferently by, knowing the facts, and not unsheath its sword and strike the brutal monarch to death who inflicted them?

The cost of that war was all shouldered upon Cuba. It must have been \$500,000,000.

The close of such a war was surely a sufficient consideration for the promises made to Gomez and Cisneros and their compatriots, upon faith of which they again submitted their fate into the hands of the Spanish monarchy.

Mr. FRYE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. Certainly.

Mr. FRYE. I failed to catch the name of the authority for the wonderful, the horrible statement which the Senator from Alabama has just made in relation to the slaughter of prisoners to the number of over 40,000.

Mr. MORGAN. I am sorry that for the moment I can not recall his name. I will hand it to the Senator.

Mr. FRYE. It is from history?

Mr. MORGAN. Yes; deliberately written, and written by a Spaniard.

Mr. FRYE. Does the Senator credit it?

Mr. MORGAN. For a long time I hesitated to credit it, but I had to credit it or else deny the evidence of a deliberate statement made by a historian in a book of universal acceptance, one of reliable authority.

Mr. GRAY. Will the Senator from Alabama state the name of the historian or the book?

Mr. MORGAN. It is in the American Encyclopedia, under the title of Cuba.

Mr. CALL. If the Senator from Alabama will allow me, I will read a very short extract from a publication by Mr. Clarence King.

Mr. MORGAN. I shall be very glad to have it read.

Mr. CALL. Jesus Rivocoba, one of the officers on duty in the

service of Spain in the Island of Cuba, under date of September 4, 1869, writes this letter:

We captured 17, 13 of whom were shot outright. On dying they shouted, "Hurrah for free Cuba!" "Hurrah for independence!" A mulatto said, "Hurrah for Cespedes!" On the following day we killed a Cuban officer and another man. Among the 13 that we shot the first day were found three sons and their father; the father witnessed the execution of his sons without even changing color; and when his turn came he said he died for the independence of his country. On coming back we brought along with us three carts filled with women and children, the families of those we had shot; and they asked us to shoot them, because they would rather die than live among Spaniards.

Pedro Fardon, another officer, who entered perfectly into the spirit of the service, writes on September 22, 1869, as follows:

Not a single Cuban will remain in this island, because we shoot all those we find in the fields, on the farms, and in every hovel.

On the same day the same officer sends the following:

We do not leave a creature alive where we pass, be it man or animal. If we find cows, we kill them; if horses, ditto; if hogs, ditto; men, women, or children, ditto; as to the houses, we burn them. So everyone receives his due—the men in balls, the animals in bayonet thrusts. The island will remain a desert.

Mr. WHITE. I should like to inquire of the Senator from Florida from what he has read? What is the paper he has in his hand?

Mr. CALL. I read from a pamphlet published by Clarence King. The article appeared in The Forum for September, 1895, and purports to contain a literal copy of the letters of those officers themselves.

Mr. MORGAN. The President of the United States at the close of the war to which I have been referring, the war which preceded the one in which the incidents occurred to which the Senator from Florida [Mr. CALL] now alludes, sent to the Senate the papers which relate to the submission of the Cuban insurgents in 1878. I find in that paper, which I have not had the opportunity of examining with care, a statement of the terms and conditions upon which the surrender took place.

Mr. Antonio Mantilla, who, I think, was then the representative at this legation of the Government of Spain, writes as follows to the Secretary of State, Mr. Evarts:

In the decree in question the phrase is to be noted with which its preamble begins: "The war being now near its end" (not a regular war in the sense in which it is defined by international law, but an intestine struggle, civil contest, or armed rebellion, which, in the military parlance of the Spanish language is commonly called war); which phrase shows that said military authorities do not consider the contest to be entirely at an end, although its termination is very near. The first sentence in the second paragraph of the same preamble is also noteworthy, in which it is declared that had it not been for this contest, "Cuba would long since have enjoyed, according to the constitution of the State, the advantages which must necessarily accrue to her from a possible assimilation to the peninsula," which shows that the prevailing sentiment in Spain is in favor of treating Cuba as Porto Rico has been treated; that is to say, like a Spanish province, although she could not grant to rebellious subjects what they demand with arms in their hands, namely, absolute independence, during a time of trial for the mother country, nor even what she was always ready to grant them voluntarily, and what she has now granted, at a time of greater prosperity for herself, to them, now that they have repented and sued for peace, which is an act of generosity and a guaranty of reconciliation.

A decree of the general in chief of the army of operations in the Island of Cuba was also inserted in the Havana Gazette of the 3d.

This was issued at Puerto Principe on the 10th of March, and will be found in Appendix F. It guarantees the freedom which was offered in article 3, of the capitulation of all slaves who were in the ranks of the insurgents on the 10th day of February, and who have surrendered or who shall surrender before the 31st day of the current month of March.

Articles 5, 6, 7, and 8 of the capitulation have been fulfilled already, or are now in course of fulfillment, toward all who are willing to take advantage of their benefits. Article 4 requires no immediate action, and article 2 has always constituted the distinguishing trait of the Spanish policy in Cuba. Forgetfulness of the past, pardon of political crimes, release of property embargoed for the same cause, mitigation of the effects of these embargoes as regards the innocent members of the families of those whose property has been embargoed, and even the furnishing of means of subsistence to repentant rebels—all this has been frequently offered or granted by the Government and authorities of Spain from the time of the decree of amnesty, issued on the 12th of January, 1869, by the governor, captain-general of the island, Don Domingo Dulce, who was sent by the revolutionary government of 1898 to establish in Cuba the same liberties and franchises that were enjoyed by the peninsula, until the royal decree of October 27, 1877, by which the unimproved public lands, certain forests belonging to the State, and town lands not used, are ordered to be divided among various classes, viz:

1. Licentiate and volunteers, who have been mobilized or who have taken part in a battle.
2. Inhabitants of the towns of the island, who have remained loyal to the government and who have suffered considerable losses of property in consequence of the war.
3. Persons who have voluntarily surrendered to the authorities and forces of the Government.

The reproduction and analysis of all these general acts, and many other private ones, of pardon, clemency, and generosity, would render this note interminable, which had no other object, as remarked at the beginning, than to satisfy the desire of the honorable Secretary of State to become accurately acquainted with the present situation of Cuba, but which the undersigned, in his wish to correct false impressions which have been circulated by the conspirators against Spain in this country, has thought proper to extend sufficiently to indicate succinctly the policy of Spain in Cuba and the causes that have given rise to the recent events. Although the Government of Spain does not recognize the right of any foreign power to interfere in the internal affairs of that country, it values too highly the opinion of the sensible people of the United States and the friendship of its Government for its representative at Washington to neglect an opportunity like the one now offered to present in their true aspect the acts, intentions, and constant policy of Spain in her relations with the Island of Cuba.

He then proceeds:

If it were necessary, or the honorable Secretary of State should desire it, the undersigned would amplify and prove by means of trustworthy documents the assertions which he has just made, and he proposes shortly to show that the only obstacle that can now retard, not absolutely prevent, the complete pacification of Cuba, is the war cry and the false promises of immediate aid which are once more sent from New York by the Cuban conspirators, who urge in public meetings the continuation of the struggle which is now so near its end. And it is a remarkable fact that in this struggle, by a sad fatality for the liberators of Cuba, a fatality which would not escape, and which has not escaped, the observation of the American people and the perspicacity of its enlightened press, foreigners have been its principal leaders—those who have most zealously maintained it, and who have most distinguished themselves in it. Jordan and Reeve, Americans; Maximo Gomez and Modesto Diaz, Dominicans; Boloff, a Pole; Caoba and Macoo, the one an African and the other a semi-African; Prado, the captor of the Moctezuma, a Peruvian; and finally, not to mention any more names, Gonzales, a Mexican, who was deputed by the revolutionary committee of Camaguey to announce the dissolution of the legislative chamber and of the government of the republic to its representatives in the United States.

Even the diplomatic commissioner of Cuba abroad, Echerarria, who less than a month ago proclaimed throughout the length and breadth of this great country, by a circular telegram from the Washington agency of the Associated Press, that the news of the submission of the greater part of the insurgent leaders was false, and that they would accept no terms not based upon the recognition of Cuban independence—even that diplomatic agent, whom the honorable Committee on Foreign Relations of the House of Representatives of the United States, having charge of Cuban affairs, received and listened to with interest in the belief that he was a son of Cuba, is no Cuban at all, but a Venezuelan.

If an insurrection composed of such antagonistic elements as the Latin, African, Mongolian, and Anglo-Saxon races, led on by officers of all known nationalities, could have triumphed, the confusion of tongues at the Tower of Babel, and the memorable catastrophe which took place in the formerly French portion of the island of Santo Domingo, would have been cast into the shade by the spectacle which victorious, free, and Africanized Cuba would have presented to the civilized world.

* * * * *

ANTONIO MANTILLA.

Now, there is the Spanish side of that statement. The Cuban side of the statement comes later. It comes out now in the declarations which have been read in the newspapers, in declarations which I will place in the RECORD without reading, because it is not necessary to take the time of the Senate in reading them, which show that the terms and conditions which were agreed upon in that submission of the Cubans to the Spanish Government at that time have been flagrantly violated, and that the people of Cuba have received from it not only none of the advantages promised, but the very machinery which was set on foot by that submission and the articles which followed it have been employed by the Spanish Monarchy for the purpose of continuing to rob them more flagrantly than ever.

These articles of submission, so far as I can gather from this paper, seem to have been drawn up at several places and at several times, and after a portion of the people of Cuba through their representatives had signed these articles or assented to them new adhesions to this capitulation were obtained from others. I will hereafter put in the RECORD enough of this paper to show the exact nature, as far as it can be found from this document, of the capitulation that was made, the promises which have been broken, as the Cubans allege.

They and their associates, then and now, assert that Spain has broken these promises in all respects, and has greatly aggravated her persecutions of the people of Cuba since these promises were entered into. That was one of the grounds upon which their present revolution is predicated—a breach of national promise.

It is not ours to decide such controversies, since the action we propose to take on this occasion is not dependent in the least degree on the facts that led to the revolt, but upon its existence and progress to the state of open, public war.

If the United States should be forced into the espousal of the cause of the Republic of Cuba as an ally, the facts are not wanting to justify our people in fighting, if need be, for the principles of our own Government against a despotic monarchy and for the sacred rights of man that are being destroyed and exterminated in sight of our coasts.

But this is not our purpose. We do not intend to interfere in that matter unless we are forced to do so from supreme necessity. The present proposed action of the Congress of the United States has not the slightest bearing one way or the other upon that question. We are for peace, security, and good neighborhood with Cuba if we have to fight for it.

No Cuban army has fought as yet for a single leader who was ambitious for place or honors under the Spanish Monarchy, or for the spoils of war, or the liberty of pillage, or even for revenge. Their leaders are patriots and men of great abilities. Gomez is an old man, said to be fatally stricken with consumption. No earthly station could induce him to endure the labor and suffering to which he is subjected. His ambition is only that he may live to see Cuba free, or, dying, that he may bequeath its liberty to the people.

In all these belligerent movements, extending through two centuries, the Cubans have not fought merely for redress of grievances, though these were a just cause of war; they have at all

times resisted and resented the despotism of the Spanish Monarchy, and their battle cry has always been "God and liberty." The freedom of Cuba has been always the undying aspiration of the native people.

One of these struggles is but the renewal of those that preceded it. Either from workings of military power, or under the inducement of false promises, a truce has been, from time to time, on frequent occasions adopted. But when the oppression has been renewed, and strength to resist it has been regained, these people have come forth in that native strength which belongs to a liberty-loving people and have renewed the battle for independence. And now Gomez returns to his command, and Cisneros, who was president at the time that the surrender took place of which I have been reading, comes back to his presidency, and the Cubans fall into the ranks and take up their arms to renew the war of 1867 to 1878.

The civil government then disbanded upon false assurances and the military power and organization that then laid aside its arms are again renewed upon a basis that is good in law throughout all Christendom, that a right surrendered to fraud upheld by force may be justly reasserted whenever the power exists to reclaim it.

In these battles fought in this protracted war of independence the blood of patriots that Cuban soil has drunk has not been shed in vain.

For freedom's battle, once begun,
Bequeath'd by bleeding sire to son,
Though baffled oft, is ever won.

That we have witnessed this struggle for so many years, during which our ears have not been deaf to the appeal for liberty and independence and our hearts have not refused their sympathy to the suffering Cubans, is enough for us to have done in order to prove our faithful adhesion to our national duty.

We can go no further in our forbearance without a stain upon our national honor and without doing injustice to our Government and our people.

If the war in Cuba should end in disaster to the republic they have organized there, even within a week, our duty would be ill performed if we did not declare that this war is and has been a public war for independence, and has been so admitted by Spain in declaring that war exists in four Cuban departments.

This declaration should be made promptly on our part, for it will stand us in hand when we are again forced to call Spain in question for her treatment of our citizens captured during this struggle. It should be made also to warn Spain that she can not impose the Weyler code, following the Valmaseda code, upon our people or their property, and that when the war for independence again breaks out, its character and purposes will not be misunderstood by the United States. The future wars in Cuba will not be mere civil insurrections when it requires 150,000 men and the navy of Spain to hold the people in check.

Our rights and duties in regard to this war in some sense depend upon its purposes and its magnitude, but not upon its ultimate success or failure. The purposes commend this war to our respect at least. Its magnitude is equal to the territorial control of more than half the area of Cuba and more than half the people of the island.

In this war, unlike that of the war of 1867 to 1878, few native troops have fought in the field under the Spanish flag. Some of them have been enlisted as volunteers, quite a number of them probably under duress, but they have put a condition in the enlistment that they were to be home guards; that they were not to enter the field; that they were to guard the plantations and the railway stations and towns, villages, and cities.

The great body of the native people are in sympathy with the republic, though the repression of any such avowal, in act or word, is the relentless purpose of Weyler's cruel code. This code may again smother the fires of liberty, of which Gomez speaks in his letter of November 13, 1895, in which he says:

We can truthfully say that, even if Spain sends thousands of her children to their death, we have already established the basis of the Cuban Republic, and that Republic will be a fact, no matter how many of us may fall.

There are few Americans who do not accept that result as inevitable, and the Weyler code will serve only to remind him hereafter that no grasp of tyranny can be strong enough to repress the fires of liberty, though it may silence the tongues of its votaries for the time.

The victories won over the Spaniards by the Cubans at Lós Negros, at Iobito, at Bayamo, where Campos and his staff sought safety in flight, on foot and in the nighttime, at Cascorra, at Sao Del Indio, and in many minor engagements, and the splendid march through Cuba from east to west and from north to south are lessons of skill and evidences of military power, and proofs of valor and endurance that do not presage the ultimate defeat of the Cuban army. Spain has sent to this conflict up to this time 61 vessels of war, all heavily armed, but in the 2,200 miles of Cuban coast there are 200 harbors and sheltered places of landing, and

in all the guns sent there by Cuban agents not one rifle has yet been lost. Spain has sent to Cuba 110,000 men, and has 80,000 volunteers for garrison duty, yet with this enormous force she has not been able to keep Gomez out of hearing of the morning and evening guns that are fired at Habana. Their armies grow while the armies of Spain perish and decrease from losses in the field and hospital.

The organization of the Cuban army was conducted in eastern Cuba, and the first and hardest battles were fought there. Then Gomez and Maceo invaded western Cuba to burn cane fields and to recruit their forces.

A comparison of the statements of our consuls, made from time to time, shows a tremendous rapidity of increase of the forces and war material of their commands.

It is through the reports of the consuls of the United States sent in by the President to Congress that we derive that better statement of facts to which Gomez refers and which will be referred to in a paper that I will presently have read at the desk, in which it is said that doubtless the Government of the United States knows more of the actual facts of the progress and development of the war than the captain-general of Cuba or the Government of Spain. These consuls, situated in Cuba at three of the most important points, all of them being men of intelligence, ability, and faithful public service, have from time to time sent the best information available to them in respect to the condition of the country surrounding them and the progress of the armies in that country.

I therefore read extracts from these reports to the Senate with a view of getting what I conceive to be an authentic statement upon this subject of the magnitude of the war, the character of the war, the progress of the war, the character of the army that conducts the war, and the policy of the men in rule and authority there who manage and control the army. It is from these facts that we are to derive a sound and solid judgment upon which we will feel authorized to act.

I have mentioned already in the speech I made last Thursday the reluctance with which I proceeded to investigate this question, because of the uncertainty of the evidence upon which we had to rely. I was not aware how very certain, how very strong it was, until I took up these consular reports and was able to compare them also with the reports in newspapers and reports from private sources; and I find that we are in possession of an authentic history of the rise and progress of the present revolution.

On the 23d of February, 1895, just a year ago, Mr. Pulaski F. Hyatt, writing to Mr. Uhl, says:

CONSULATE OF THE UNITED STATES,
Santiago de Cuba, February 23, 1895.

SIR: I have the honor to advise you that grave apprehensions are felt of a revolution breaking out here. Rumors are rife, and it is difficult to get at exact facts.

The people are very much frightened, and those of the country are moving to the city in large numbers for safety. The banditti element in the mountains is being augmented by certain parties hostile to the Spanish Government.

Information has come to the consulate that the Government has notified certain Cubans known to have been prominently in favor of the island's freedom, that if there is trouble they will be held responsible and shot, and a number, said to be 27, of the members of leading families who were spotted have left for parts unknown.

The military governor, Lachambre, has had his home in the country guarded by 250 soldiers, and he gave notice to a number of American engineers and workmen, living in a house close by, and here for the purpose of constructing railroad bridges, that if they had cause to go to their yard in the night, to carry a lantern as a preventive against being shot.

That is the outbreak of it a year ago; that is the form in which it presented itself to Mr. Hyatt, who was living in the country where the first organization took place and where the feeling of the Cubans was most intense. On the 26th day of the same month he says:

The insurrectional movements that have given rise to the measures of the governor-general seem to be limited to a very small number of persons, as shown by the prompt action of the three political parties above mentioned engrossing the major part of the population, and which really represent the entire planting, industrial, and commercial interests, as well as the professional classes of the island, though it can not be denied that poverty, induced by the cumulative effects of the erroneous economic system long established here, has brought about discontent among the working classes since the principal exportable products of the island, sugar and tobacco, are very depressed in their exchangeable values. This has brought on low and precarious wages, while at the same time imported provisions and clothing are very high and in unfavorable disproportion to the earnings of the workmen.

Those workmen, starving men, got to thinking and feeling, and they bared their shoulders to the burdens of the revolution; really they started it.

Now, writing again on March 1, he says:

On the 27th ultimo the governor-general of the island issued a decree, copy inclosed being extract from official bulletin, declaring this province in a state of war, giving the military authorities control of all matters appertaining to public order, and giving insurgents eight days to present themselves and be exempt from punishment.

Now, I wish to connect that statement with one that I made in the opening of my remarks when I called attention to the fact, which nobody has denied or can deny, that for more than two centuries the captain-general of Cuba has had the power to put

any province in that whole island into a state of siege, to declare military law as prevailing, and to declare a state of war as existing. In this province our consul affirms that the governor of this particular province has declared that a state of war exists. What kind of a war is that? An insurrection? An émeute? A mere rebellion? A mob? A sedition? No; he declared that war existed; and he put the laws and powers of war at work there by changing the whole legal situation from one of peace to that of war. I should like to know, after that declaration on his part, followed up, as it has been, by declarations of a like kind by the captain-general in three of the provinces of eastern Cuba, more recently made, how they can hold up their heads and look the world in the face and say to us that we have no right to recognize that a war exists when they proclaim it and enforce it? Our consul says, further on in the same article:

There have been a number of scrimmages with troops in the province, and several on both sides killed and wounded. The insurgent element so far is confined mostly to the negro population, which predominates. The whites and property owners hope that the reforms promised by the Government will be put into effect and that the movement will be suppressed before much property is destroyed and lives lost.

A strong reinforcement of Spanish troops is daily expected.

The last letter was on the 1st of March. Thirty days later, on the 30th of March, he says:

I have the honor to report further on the situation in the province of Santiago as follows: On Monday, March 24, 900 troops were landed from Spain, which, with the 2,437 recruits which landed last week, make a total of 3,337 additional Spanish forces, landed at this port. After arrival these troops were newly uniformed in linen suits and straw hats.

A battle occurred near Manzanillo on Sunday between 300 Government troops and 500 Cubans. The Government claims 50 of the enemy killed, while the Cubans claim a victory.

* * * * *

That same evening—

That was on Thursday, the 28th—

(a dark night) about 9 o'clock sharp musketry firing was distinctly heard from this consulate, which lasted 45 minutes, when a heavy rain set in. I afterwards learned that a body of insurgents were waiting in ambush for the outgoing troops and fired on them from behind rocks and trees, causing a loss of 50 killed on the Spanish side, including one captain.

* * * * *

Men are constantly leaving the large centers of population to join the insurgents, and public opinion is rapidly in their direction.

Then again he writes on April 4:

With starvation facing them on one side; with relations, friends, and companions on the other, fighting for the independence of their country, it will readily be seen how the present uprising may become one that will defy the efforts of Spain to subdue.

It is safe to say that there are at present large bodies of insurgents under arms in the jurisdiction of Santiago de Cuba. Spain must have to meet these twice their number, as the country is an ideal one in which to harass regular troops who are not familiar with the country.

Another important factor to be considered is the ravages that will be made among the Spanish soldiers during the summer months by yellow fever, which will far exceed their losses in action.

To check and end the present uprising it will be necessary for Spain to concentrate all her forces at Santiago de Cuba, Puerto Principe, and to act promptly and decisively, for as each day the rebellion continues lessens her chances for subduing the same, and, as before stated, she must accomplish the subjugation of those in revolt before the present crop is finished, or their accessions will be so great that her dominion over this island will be in great jeopardy, if not lost.

Then, on the 5th of April, he writes again:

On April 2 the insurgents entered the town of Carney, about 6 miles from here, where they captured about 50 guns, some horses, and, it is said, about 2,500 cartridges.

On April 3 the Government forces met the insurgents at Socorro, about 18 miles from here. The insurgents are said to have been defeated with 10 lost and many wounded.

The Spanish Government is now employing Cubans at \$30 per month to join the guerrilla forces against the insurgents, and naturally these accessions against the cause of the revolutionists are looked upon with great hatred by the other Cubans.

Private advices from parties capable of speaking are to the effect that the territory between here and Manzanillo and along the Canto River is alive with insurgents. Their cavalry are said to be in a very excellent condition, well armed, and well mounted. Pending the arrival of Martinez Campos, the war seems to be in a quiescent state.

Campos had not yet landed. Then again he writes on the 13th of April:

On Thursday a battle was fought near Bayamo. The number of troops and results are not definitely known. The work of the insurgents seems to be more along the line of gathering arms and ammunition rather than seeking conflict, while the Government troops do not seem desirous of forcing a fight, but rather to guard important points from attacks while they await the arrival of Martinez Campos, who is expected to land at this port on the 16th instant. Preparations are in progress to give him a big reception.

The sugar planters complain that whenever they pay off their hands large numbers leave to join the insurgents, thus crippling work. It is estimated that the population of Santiago has been increased by 15,000 people, mostly old men, women, and children who have left the country, and are quartered on anybody that will keep them. Beggars are very numerous. The death statistics for the first fifteen days of March was 32, and jumped to 62 for the last half of the month, there being 8 deaths from yellow fever, 5 deaths from paludal fever, and 1 from diphtheria. I am informed by a physician that smallpox in a mild form has also appeared.

Now, on the 28th of April he writes:

SIR: I have the honor to report that on Sunday, the 21st instant, a fight took place near Songo, this province, between about 500 Cubans and 800 Spanish troops, which resulted eventually in the Cubans retiring from the

field. A major and chaplain of the Spanish forces were killed. Other losses unknown.

Two thousand and fourteen new Spanish recruits arrived at this port from Spain on the 22d instant, and it is reported that 20,000 more will arrive during the next six weeks.

Rebels burned the town of Ramon de Yaguas on Monday last, killed Captain Miranda of the Spanish forces, took 16,000 rounds of ammunition and a quantity of arms from the fort.

Lieutenant Gallego, on the part of the Spanish troops, surrendered the fort, for which he was court-martialed and ordered to be shot. The sentence was commuted to life imprisonment by cablegram from the Queen.

Then he adds as a postscript:

Lieutenant Gallego was shot at Habana on May 1, after having attempted suicide on the passage from Manzanillo to Habana.

This consul goes on to speak of other battles from time to time. May 11 he says:

Monday night the rebels attacked Cristo, a town 10 miles distant, on the Sabanilla and Maroto Railroad, derailed an engine, and burned two bridges. The road is operated and owned mostly by American citizens. Martinez Campos has recommended Government aid to this road for the purpose of extending the same and furnishing employment to the many men who will soon be thrown out of employment by the shutting down of sugar mills, and it is feared that without work the men will drift into the rebel army. * * * Friends of the insurrection claim that they are as far advanced now at the end of three months as they were at the end of three years in the former rebellion. They claim now to have 10,000 men under arms in the province of Santiago, and to have 4,000 more doing effective work.

That is from the time of this first dispatch, which was February 23, 1895, down to the date of this letter, which is May 11, 1895, a rise in their power from nothing to 14,000 troops in the field. In my observation, few countries have ever been able to recruit an army as rapidly out of their own legitimate resources, arm them and equip them, and put them in the field as these Cuban rebels have done during that period from the 23d day of February down to the 18th day of May—three months! Again, he says on the 18th of May:

On Monday, the 13th, 400 men are said to have left Holquin in a body to take up arms against the Government.

Four hundred leaving one place.

Perhaps the most sanguinary battle that has taken place up to the present time occurred on the 13th and 14th instant, near Guantanamo. The Spanish authorities claim that with 400 men they put to rout the enemy, 3,400 strong, inflicting severe loss on the rebels.

The rebels claim that there were over 2,000 Spaniards engaged in the first day's battle, and that they punished them severely, driving them into the town and inflicting a loss of over 200 in killed and wounded, including among the killed the commander, Colonel Bosch, and several other officers, while their own loss was insignificant; but finding that on the second day the Government forces had been strengthened, they thought it prudent to retire.

It is reported—

He says in the same letter, in fact it turned out to be true—

That 400 convicts are enlisted in the next shipment of soldiers to arrive at this place from Spain.

These convicts and others from Africa have been pardoned for the worst of crimes committed in Cuba and armed as bands of guerrillas to destroy the people they had formerly assailed with brigandage, robbery, and murder. Yet it is not more surprising that convicted robbers should be turned loose to war against Cuba than that unconvicted and titled robbers should use them for like purposes.

I will omit to read quite a number of these reports, although they all contain very strong corroborative testimony to the continual and steady progress of this revolution. On July 13 Mr. Hyatt says:

I have the honor very respectfully to report in reference to the further uprising in the eastern end of Cuba that Saturday, July 6, a battle of considerable importance occurred near Manzanillo, in which it appears that the Government forces, made up mostly of "guerrillas" (home guards), were, to the number of 100 or more, cut to death with machetes.

Continuous fighting between Manzanillo and this place has been kept up all of the week, with uncertain results.

The case of Dr. Joaquin Castillo, reported in my dispatch of July 6 (No. 149), is a peculiar case, and is, perhaps, worthy of further mention. The Doctor, a man of commanding appearance, is one of a numerous and highly respectable family, born on this island, but who have sought and obtained naturalization in the United States, and by marriage related to Spanish officers of high rank. The Doctor served as surgeon to our *Jeannette* polar expedition.

It appears that some five years ago Gen. Antonio Maceo (who was famous in the previous insurrection) came to Santiago, and was quietly feasted and toasted by a number of prominent people, among them Dr. Castillo. In the hilarity of the occasion they promised Maceo that when he came to Cuba again on business they would be with him. On Maceo's return to the present conflict he notified these gentlemen that he was here, and expected them to remember and keep their promise. Some of them were slow to respond, and the Doctor among the number, because a lucrative practice and the large possessions of his wife made it inconvenient to respond. A second notice is said to have been sent, which contained no threats, but interpreted by those capable of reading between Cuban lines that it would not be well for the Doctor to delay his coming, and he went.

Numerous young men have left lucrative positions and cast their lots with the insurgents.

It is estimated by men of judgment that the revolution is now three times as strong as it was at its height during the previous insurrection.

Any insurgent force that now attempts to enter Santiago will have to jump over, climb through, or cut down a three stranded barbed wire fence which now surrounds the city.

For a fortification, I suppose.

Yellow fever, though still bad among Spanish soldiers, has not seemed quite so virulent during the past week. Deaths for week, 106. Yellow fever, 41; smallpox, 1.

Mr. GRAY. From whom is that?

Mr. MORGAN. That is from our consul at Santiago. I pass over a number of places which I had marked for the purpose of calling attention to them, but it would protract the story too much for me to undertake to give all these incidents as the narrative proceeds. On the 21st of August he writes to Mr. Adee:

SIR: I have the honor to report the situation in Cuba to be deeply interesting.

With perhaps the exception of Santa Cruz, the Government forces hold every important seaport town and a few large towns in the interior, while from Cienfuegos east, which constitutes three-fourths of the island, the insurgents hold the balance of the territory and some territory farther west.

Cuban leaders claim 25,000 men mostly under arms in the province of Santiago and 10,000 farther west. I think the number overstated by at least eight or ten thousand men, but I am inclined to the opinion that there are many more ready to join them when assured that they will be supplied with arms and ammunition.

That arms and ammunition are now coming quite freely to Cuba seems little room for doubt. A paper published here called *The Public Opinion* has recently declared that if the Government would look more carefully after the large carrying companies and less for filibustering expeditions they would find the source of trouble.

Those who desire to see the island restored to peace are much depressed, as there is at present three times as large a force of insurgents as at any time in the previous insurrection.

Then he gives an account of more battles which occurred in his vicinity. Then, under date of October 10, writing to Mr. Uhl, he says:

SIR: Judging by results that tend to terminate a war, the situation in Cuba, from an American standpoint, might aptly be termed one of "masterly inactivity." But few engagements have occurred up to the present time that should be dignified by a higher title than a skirmish.

Cuban tactics are to fight only when they have the Spaniards at a disadvantage, and at other times small attacking parties will fire from ambush on the Government forces for the purpose of demoralization, or to induce the troops to follow them to a more advantageous place for battle; but the Spaniards seem to understand this, and thus far have declined to accept battle on such terms.

The Cubans assert that they can not afford to make a stand in an open field, or even behind ordinary breastworks, with their present quota of arms and ammunition, as every shot must count; while being themselves acclimated and thoroughly inured to Cuban climate, diet, and modes of living and traveling, they can kill more Spaniards by fatigue, exposure, and disease, and at less sacrifice to themselves, than by hand-to-hand battles, and by such tactics can continue the war indefinitely.

The Spanish forces can not long remain away from their base of supplies, as their quartermaster, commissary, ordnance, and hospital supplies are all carried on the backs of pack mules. No tents or shelter of any kind are provided for soldiers on the march, nor any ambulance service for the sick and exhausted.

The Red Cross tendered their services to go in there, but they have never heard from the Spanish Government upon the subject.

Up to the present time Spain has put into the field about 80,000 soldiers, probably a little more than one-half of which are now available for active operations. The best informed persons here estimate the active Cuban force at 25,000 or 28,000.

Spanish agents, Spanish newspapers, as well as American newspapers, have for months openly declared that certain vessels carrying the British flag and conveying iron ore from Cuba to the United States have on their return trips carried articles contraband of war, which they have disposed of through persons connected with the mines and landed at certain points along the coasts.

And thereupon the Government of Spain, through the captain-general, established fortifications at those American iron mines upon the avowed pretense of prohibiting or preventing those men from receiving what they called "contraband of war." They were obliged to receive powder in large quantities for the purpose of conducting their iron works and their regular business; but inasmuch as the captain-general said there was a possibility of such things falling into the hands of the insurrectionists, they forbid their importation, under the doctrine of their being contraband. There is something which needs inquiry. I do not mean the special instance, for perhaps not much loss has occurred on that account, but as to a Government with which we are at peace, and that peace secured by treaty guaranteeing to us wide commercial privileges and providing rules and regulations by which contraband of war in time of war may be excluded from the island, how can that Government, while saying that peace prevails, contend that there is contraband of war when a merchant in the United States ships a keg of powder to his consignee in Cuba?

What right have they in a time of peace to interpose and examine the cargoes of our ships upon principles of war and declare these things contraband? They can not do it except when they make a declaration of war against the ports or places at which these articles are to be landed, establish a blockade, and interpose that declaration as creating the rights which are given by war of inspecting a vessel to see whether its cargo is contraband. But here, while they declare that a state of war exists in four provinces of Cuba, and put out their proclamation to that effect, and in virtue of that fact insist upon the existence there of war—while they are in that condition in regard to their own people, for the purpose of putting down a rebellion that they can not subdue, they hold out to us the relations of peace and amity and friendship, and say, "You must not import into Cuba powder or shot or any munitions of war, because they have become contraband."

That is a position which can not possibly be submitted to by the Government of the United States, and when they insist, as they do insist, that war obtains in their own provinces in Cuba, and so proclaim to the world, and follow it up by seizures of the cargoes of vessels because they are contraband, then of course what we have got to do, and all we can do, is to declare, along with them, that a state of public war exists in that country, and that these things are contraband; but that if our people can get through their blockaders it is all right and no longer illegal to sell them to the recognized belligerents. Spain can not declare that one of our merchants shall have his property, his ship and his cargo, confiscated in time of peace by imposing upon that vessel a hostile characteristic because it has on board articles contraband. Spain must say that she is at war with another power, which is a part of her own provinces, and being at war, she has a right to declare those imports contraband which would assist the enemy in waging war.

Mr. Hyatt proceeds again on the 16th of October to say:

SIR: The Cubans assert that they could quickly double or treble their forces in the field if they could only equip them for service, in which case they would take the aggressive; but as it is they are obliged to husband their resources to the fullest extent to meet the Government forces that are armed with Mauser rifles and well supplied with ammunition, while they, the insurgents, are confined largely to such resources as "by hook or crook" they can obtain from the Spaniards.

On the 11th instant the insurgents captured between Santiago and Manzanillo 17 soldiers with personal arms and 4,000 cartridges, which were being conveyed to a fort 2 leagues from the coast. The Spanish soldiers were set free, but I learn that the lieutenant in command has been court-martialed and will be shot for surrendering.

Then he speaks of the coming in of certain cargoes on board of ships that were landed surreptitiously on the coast.

Then Mr. Casanova writes that the war had included his consulate at Cienfuegos, and speaks of it as follows:

The destruction of sugar estates has been principally directed against buildings of strategic value to the Government troops or that might serve them as shelter; generally buildings of abandoned sugar estates, though occasionally of late the dwellings and labor quarters on "colonias" or cane farms, have been destroyed. Some of these cases are due to political rancor toward the proprietors who have made themselves conspicuously hostile to the insurgents.

As the most important measure proclaimed by the revolutionary government (leaders?) is the prevention of sugar making, with a view to crippling the resources of the Spanish Government, it is likely that more extensive destruction will follow, as threatened by the insurgents, in the approaching crop season unless this Government is able to afford needed protection by garrisoning the plantations with sufficient forces to enable planters to work in safety. As the insurgents up to the present time to so great extent control the surrounding country, the prospect for preventing the consumption of their plans is not very reassuring, and in consequence great despondency prevails in all classes of the community, so largely interested and dependent on the sugar crop. In fact, on this vital question is involved the gravest problem to the life of this district, and the same applies to the rest of the island.

On the 16th of November, Mr. Hyatt, writing from Santiago de Cuba, says:

SIR: I have the honor to very respectfully offer a brief résumé of the situation in Cuba as it appears to one who has watched it carefully from its inception to the present, a period of nearly eight months.

The total strength of the insurgents at present is between thirty-five and forty thousand men, 10,000 of which are not well armed, but are useful in other directions, which number would be quickly increased if arms and ammunition were available.

Their generalship has been neither brilliant nor dashing, and it has indeed been questionable whether they have not allowed important advantages to get away from them for want of well-directed heroism, yet, on the whole, well calculated to conserve their cause.

Their settled purpose is to fight only when they have advantage in position and numbers; but to harass the Government troops, mostly with small detachments, and depend upon their better knowledge of the country and greater powers of endurance to avoid punishment, and by the aid of yellow fever, dysentery, etc., to finally wear out the Government forces.

Discipline is maintained better than might be expected, and desertions are infrequent, owing to the great difficulty in escaping from the island, so the deserter must either go to the enemy or go home and face Cuban scorn.

As a rule the Cuban army is healthy, their powers of endurance are great, and they show not the slightest disposition to give up the fight.

When prisoners are taken, if they can not be induced to change their allegiance, they are disarmed and released.

They have levied and collected heavy assessments on every industry possible, and seem to have plenty of money.

I am unable to say how much success has attended their attempts to establish a local and permanent government. I think, however, it is of a movable nature.

They respect American property and rights much more than those of other nations.

On the part of Spain there is no lack of disposition to supply all the men and means necessary to subdue the rebellion; but the first 30,000 troops sent to the island were largely boys, too young and inexperienced to take proper care of themselves, and many of them have succumbed to exposure and disease. The later arrivals were more mature men and are able-bodied soldiers. They have also several thousand volunteer natives and acclimated Spaniards, making the number placed in the field up to the present time nearly 100,000, 30,000 of which are dead or unavailable, leaving for service about twice as many as the Cubans have, and are better armed and equipped. About one-third of this number are kept on guard duty, a portion of which may be called off in emergencies, so that fifty-five or sixty thousand are available for field service.

Up to the present writing most of the Spanish forces continue to occupy mostly the cities and large towns near the seacoast, or about the mines, railroads, and large plantations. Transportation of troops and supplies is by steamships along the coast.

In the person of her captain and governor-general, Martinez Campos, Spain possesses a soldier and statesman of marked ability, who tempers justice with mercy to a large extent.

With the exception of iron mining, nearly every industry on the island is going rapidly to destruction, and nothing but a sudden termination of the war can prevent the island from becoming a waste that will require many years to repair.

Native-born Americans have but little cause to complain in regard to their treatment by Spanish officials, and even our naturalized Cubans are treated with far more consideration than those of other nationalities. So apparent is this distinction that it has become a subject of complaint on the part of citizens and consuls of other nations, and has been met by the reply that their treaty with the United States differed with that of other nations, and a counter reply has been made that they were entitled to the "most-favored-nation clause."

On the 2d of December Mr. Casanova says:

The prevention of sugar making is the most settled and determined policy of the insurgents. There have been already cases of partial burning of plantations in this consular district, some of them owned by Americans.

In this connection I deem it proper to submit to the Department the following data of the property represented by Americans in the sugar industry in this consular district alone, either residents here or owned by corporate companies in the United States. These plantations are of the most valuable here, yielding an aggregate yearly production of over 600,000 bags, or 86,000 tons of sugar, at an estimated value of over \$4,600,000, at present low prices. There are, besides, large American interests invested in cultivation of cane for supplying the sugar factories.

The effect of the present business depression and the impoverishment of the country that is becoming evident, all largely attributable to the crop difficulties, manifests itself in the lessened importation of goods, the shrinkage of consumption already affecting trade very seriously.

Mr. Casanova writes, under date of December 12, an interesting statement, as follows:

The larger part of the effective insurgent forces that heretofore operated in the eastern department of the island have gradually invaded the department of Las Villas and are now operating in this and the neighboring districts. These forces comprise some 16,000 to 20,000 men, both cavalry and infantry, fairly well armed, under command of Maximo Gomez, as general in chief of all the insurgent forces, and Antonio Maceo, his second in command, with other less noted leaders. This army, the largest that has so far in this war been gathered together in a body, has maneuvered to evade any pitched battle with the various large columns of Government troops acting in combination against them. Several partial engagements have taken place, but without any important results.

The evident purpose of the insurgents is to penetrate further into the heart of this section with large forces and carry the war eastward into the richest and most productive districts. At last accounts the main insurgent army above referred to was in the vicinity of Santa Clara, the capital of the department of Las Villas, one detachment being sent to the vicinity of Trinidad, under command of a colored leader, to destroy the few sugar estates that remain there, the largest of which belongs to an American company. Aside from the above-mentioned forces there are the numerous bands in larger or smaller numbers that continue to infest every part of the country, harassing the troops and carrying on the usual guerrilla warfare.

The laying waste of all the country and prohibition to the farmers to market their produce or move cattle is causing great hardship and privation. But chief in gravity, in its fearful import to the community, is the impending failure of the sugar crop. This is being effectually prevented by the insurgents in this district, and no attempts are being made by planters to manufacture sugar. Even this passive acceptance of ruin by the planters does not obtain for them immunity from the destruction of their property. The firing of cane fields is assuming alarming proportions, thousands of acres of valuable cane fields are daily being burned, and, notably, on three of the largest sugar estates in this consular district, owned by Americans, the cane fields have been devastated. The machinery and buildings on sugar estates are of great value, costing from half a million to more than one million dollars. The Government, on application, grants a squad of soldiers to guard those buildings, but not in sufficient force to be entirely effective. Many planters prefer to take the chances of mercy from the insurgents by being ungarrisoned rather than draw on themselves their certain hostility and revenge unless effectually protected.

The recent reinforcements of 25,000 men from Spain will be mostly required for active field service, and not available for the defense of the sugar estates. Thus the existence and future of this valuable industry is threatened with complete annihilation.

I must not detain the Senate by matters which can possibly be omitted from this statement and yet give to the country a fair and just statement of the actual situation in Cuba. Writing on the 7th of January, 1896, Mr. Raymond O. Williams, our consul-general at Havana, says:

With reference to the proclamation of the captain-general of the 2d instant declaring a state of war to exist in the provinces of Havana and Pinar del Rio, copy and translation of which accompanied my dispatch No. 2395, of the 4th instant, I have to inform you that the newspapers, now under military censorship, report the burning of the sugar-cane fields throughout a large portion of this province by the insurgents who entered it, as variously estimated by popular rumor, numbering all the way from 4,000 to 12,000 men, on foot and horse.

Besides the burning of the cane fields, the newspapers report cases of damage to railroads by the displacing of rails, the cutting of telegraph and telephone lines, the blowing up of culverts, burning of bridges and stations; also, the pillaging of country stores, the carrying off of horses, saddles, and bridles from farms on their line of march for the mounting of their men, and the slaughter of cattle for food. Among the railroad stations destroyed are those of Ginivian and Guira de Melena, distant from here, respectively, about 28 and 40 miles on the line from Habana to Güines, and that of Gabriel, about 25 miles on the railroad from Habana to Pinar del Rio; the villages also were burned.

The trains on the first-named road only ran yesterday as far as Bejucal; on the Western Road from Habana to Pinar del Rio, only about 30 miles out, and on the Habana Bay and Matanzas no train goes beyond the latter city. All the railroads have handed in their rolling stock as much as possible to prevent its destruction.

Mr. WHITE. From what page does the Senator read?

Mr. MORGAN. Page 52, January 7, 1896.

On the 15th the same officer gives an account of the capture of a village on the Bay of Habana. Then, on the 15th of January, he writes:

In continuation of my dispatch No. 2707, of the 11th instant, reporting the doings of the insurgents in the Provinces of Habana and Pinar del Rio, I have

now to say that, according to the newspapers and private accounts, the only sources of information at the disposal of this office, the insurgents have still continued in their marches and countermarches to leave havoc throughout their train.

They have wrought so much destruction on the Western Railroad, an English company, that the directors have resolved to stop their running. They also burned a large part of the important town of Bejucal, on the Habana and Güines Railroad, because of the resistance made there by the local authorities and volunteers. At the present writing there is no immediate prospect of their being driven out of the two mentioned provinces.

He then gives an order of Maximo Gomez dated January 10, in which he says:

Considering that the operations of the sugar crop have become suspended in the western districts, and it being no longer necessary to burn the cane fields, I therefore issue the following order:

ARTICLE 1. The burning of the sugar-cane fields is hereby absolutely prohibited.

ART. 2. The severest penalties of the military and civil jurisdictions of the revolution will be visited, regardless of rank and station in the army, upon each and all who contravene this order.

ART. 3. The buildings and machinery will be destroyed of all plantations that, despite this humane order, resume work.

ART. 4. All the inhabitants of the island of Cuba, of whatever nationality, will be respected in their persons and agricultural occupations.

MAXIMO GOMEZ, *General in Chief.*

Mr. President, I have now laid before the Senate only a part of the testimony found in these consular reports which bears upon this question, but nobody can take up these official reports, sent in by our consuls, and, unless they impeach the consuls themselves, deny this consecutive array of facts, which proves absolutely the proposition that this rising of the Cuban people has reached the extent of a great public war, and that the likelihood is very strong that in the end the Cubans will achieve their liberty. I wish to make no prediction about it, because our action does not depend in the slightest degree upon our ability to forecast the result or upon the probability of it; but, at the same time, from the facts which are given by our own consuls to our own Government, it is impossible to believe but that the whole body of the Cuban people, the native population of Cuba, are in thorough sympathy with Cisneros, the President of the Republic, with Gomez and Maceo and their other leaders.

After a little while, in the course of my argument, I shall come to the attitude of President Cisneros, and I shall show, not by reading the constitution, but by bringing it into an appendix which I will hereafter lay before the Senate, that he has formed a government upon excellent principles and after due deliberation, and as well calculated to carry on civil administration in time of war in a country like Cuba, it seems to me, as any constitutional arrangement could do.

A letter from a gentleman whose character for veracity and good sense can be most thoroughly avouched by members of this body, was written from Cuba on the 14th of February, 1896. It incloses a copy of an article written by another gentleman in Cuba, which was published in a New Orleans paper on February 8, 1896. The writer of the letter says that the author of the article is an American citizen "and is probably the best posted man in the island on Cuba and its affairs. This article, which I will have read at the desk, accounts for the military situation in Cuba, and shows how Gomez and Maceo have been able to make their splendid campaign to the west, and how it is impossible to hold Cuba much longer in chains.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

REVIEW OF THE SITUATION IN CUBA.

EDITOR LOUISIANA PLANTER: Recent events here have clearly proven that the estimate of the situation in the island of Cuba made in my last letter was in nowise exaggerated. The possibilities and probabilities indicated have all been as fully realized as the short time elapsed could permit. Spain has failed in obtaining another loan abroad, and has been obliged to take from one of her own banks the insufficient sum of \$10,000,000 to begin the new campaign. Instead of the 50,000 new troops, evidently required to enable planters to harvest the present sugar crop, but 25,000 have been sent. These two facts, whatever may be said to the contrary with the intent of disguising the truth, would seem to indicate the weakening and proximate exhaustion of the resources of the Government, both military and pecuniary.

As I anticipated, the reinforcements arrived too late to enable the sugar factories to begin work in due season, and the detachments of troops protecting their buildings have, as was to be expected, been of no avail to save their cane fields from destruction when attacked. The anticipated inefficiency of the raw levies composing the new regiments seems to have been made quite as evident. Not only one line of troops has been broken through, as I suggested might happen, but, judging by the official reports, three in succession have been broken, and the insurgents have invaded the provinces that have heretofore been comparatively safe, leaving behind them a broad path filled with smoking ruins and burnt cane fields, where local bands are completing more at leisure the hasty work of the invaders. Before this reaches you Gomez will in all likelihood have reached the other end of the island, devastating the district of Pinar del Rio, hitherto wholly exempt from the scourge of civil war and always considered perfectly secure.

Although this raid was announced months ago in the New York papers, Maximo Gomez, who during the last war always advocated this plan, has either completely outgeneraled Martinez Campos, or this general's orders have not, as I believe sometimes happens, been strictly obeyed by his subordinates. He does not seem to realize the radical differences there are between this and the former rebellion. Since the last war the Cubans have learned much—the Spaniards almost nothing.

I suppose that the reinforcements would have been used to form a cordon across the island to prevent the projected raid, gradually advancing and clearing the richest districts of the smaller bands, strengthening the line as it progressed by the detachments which would become unnecessary in the

rear, a plan difficult in execution, but decisive if successful. The old system adopted during the last war, which lasted for ten years, has been preferred, and the dry season, so anxiously awaited to begin the sugar crop, upon which the fate of the island depends, after a victorious campaign, has principally served not to ripen the cane fields for the expectant planter, but to prepare them for the firebrand of the incendiary, quite as impatiently lying in wait to burn them. In answer to Martinez Campos's promise to enable the estates to grind early in the season, the rebels have obliged those that had commenced to suspend, and deprived a very large number of all means for future work.

He has evidently been led into two grave mistakes for a commander of his rank, by the exaggerated or false reports, perhaps, of his subordinates, against which he was obliged, some months ago, to issue a general order, which is discreditable to the army and his patriotic desire to economize Spain's limited resources. He has also overrated the efficiency of his own troops and underestimated the capabilities of his adversaries. It is quite likely that the President of the United States is better informed through the consular reports of what is really passing here than the governor-general of Cuba is by those upon whom he is obliged to depend. The vandalic raid of the insurgents was evidently planned with a full appreciation of the defects of the Spanish army, and to all appearances thoroughly carried out by their principal chief, born and brought up in the guerilla warfare of the island of St. Domingo, of which the army officers know little or nothing.

At the start he collected all the best of the insurgent bands and leaders, to the number of from 5,000 to 8,000, a body strong enough to cope with any two divisions of troops he might meet, trusting to rapidity of movement to outmaneuver the Government forces, destroying communication by wire and rail as he progressed to prevent those left in the rear from being brought again to the front. To do this he avoided his usual forest refuges and struck boldly down upon the open country, along the railroads, through an almost continuous plain covered with canefields. With no infantry nor impedimenta but ammunition to delay his movements, he advanced night and day at a trot, taking but few hours' rest, and keeping scouring parties in front and upon his flanks, collecting fresh horses to replace those that gave out, together with arms of all kinds for those who might rise to join him. When the supply of horses proved insufficient the men mounted as "volunteers," the fresh horses carrying double. It is said, and it is quite probable, that he was accompanied by a full band of musicians of 22 pieces, who deserted in a body some time ago from one of the Spanish volunteer regiments.

He appears to have kept a strong vanguard under one of his best leaders to engage the bodies of troops as he met them (these are seldom of more than 1,200 men, with one field piece), while his main body passed in two columns, and then to retreat rapidly and fall into the rear. His force was estimated by one of the Spanish generals at 12,000 when he reached Matanzas, and is, probably, with those who have joined him, now about 17,000.

Gomez's success is not surprising when, in an army of 120,000 troops, there are here but 13,000 troopers, either because cavalry is considered too expensive, or because no amount of experience in Cuba will convince the Government that Spaniards afoot can not overtake Cubans horseback—one of the old persistent errors. Even the Cuban rural "gensdarmes," or police, are mostly infantry, although the robbers they are expected to pursue are always mounted, and a force of cavalry half as large as that employed would be more efficient for the purpose.

Orders have now been given to remedy this glaring defect by bringing cavalry from Spain and by a general requisition for horses throughout the island to mount infantry, giving in return promises to pay at low prices. Like all Government measures in Cuba, this comes too late for its purpose and will probably be converted into an abuse, as it was during the last war. There are already reports that the troops oblige all the poor country people they meet upon the highway, bringing their produce to the towns, to unload at the wayside and give up their horses to the soldiers. This course will probably, by depriving this class of their means of support, do more to swell the rebel ranks than to serve the Government. The infantry make very poor riders, and the few men who have been mounted heretofore upon horses taken from the insurgents look as though they would topple off at the slightest provocation and are unfit to fight in the saddle against Cubans, who have ridden since they were 6 years old.

Even the dearly bought experience of the last month (among the dearest that Cuba has had to pay) will not teach the Government that America is not Europe. The insurgents have already appropriated nearly all the best animals in the island, and the infantry, officers as well as men, seem to have no knowledge whatever of the care of horses, consequently they soon become unfit for service in their hands. In any case the insurgents can take horses quicker than the army can buy (even without paying for them), and this tardy measure seems likely to add little to the efficiency of the troops in this campaign. With the insurgents riding them to death upon the one hand, and the Spanish infantry killing them by ignorance and neglect upon the other, there is a very strong probability that the island will soon become quite as horseless as it was when unhappy Columbus discovered it, and if the rebels live upon other people's cattle much longer, quite as beefless.

Success in the field for either side seems now to depend upon celerity of movement, to which the army is little adapted, so far as can be judged from what is to be seen in the garrison town where this is written, one that has been in the midst of the war for over a year, and where bodies of troops from 200 to 1,500 are almost daily arriving and departing. The slothfulness with which the detachments are formed to go in search of the enemy is simply unaccountable to an American, and in a measure justifies the supposition of nonsympathizers that they are gaining time for the rebels to get away before they do. The looker-on becomes worn out waiting to see them start, and finally gives it up in despair. The dilatoriness of all the movements, the easy leisure of the officers, the stolid, apathetic indifference with which the men loiter upon their rifles in carelessly formed ranks, apparently waiting first for one thing and then for another hour after hour, no one seeming to know why, offer little hope for the conversion of such material into that kind of "light horse infantry" the tactics of the Cubans so eminently demand.

The men, as a rule, are of low stature, a square, thick-set, stooping, short-legged, stiff-jointed race, evidently taken from a class of stolid, illiterate carriers of wood and drawers of water, to whom an adverse fate has denied all those boyhood pastimes which give agility and suppleness of limb. Their wabbling attempts at running and clumsy ascent of the ladders to the small forts which surround the town are often ludicrous in the extreme. The bayonet exercise, so indispensable against the Cuban attack with the sword, seems entirely unknown to these poor victims of misrule, and, contemplating their awkwardness, one is filled with pity imagining what the futility of their defense must be with a lithe and wiry Cuban hanging over them from his saddle, slashing the deadly "machete" with nothing between its sharp edge and their devoted heads but the sultry atmosphere of Cuba and her cheapest straw hats. Ignorant all their lives of the use of arms until recruited, and without target practice, they fire in platoons at the word of command, taking little aim, if any at all, and the amount of ammunition wasted is something beyond belief.

I have myself heard almost continuous discharges of small arms, with 23 shots of a fieldpiece, lasting from noon until after dark, and by a force said to number 700 troops, and the official report claimed only eight or ten of the

enemy killed and as many wounded, ascertained solely by observing at long range the movements in the Cuban ranks. If such wild work is as general as the published accounts of engagements would indicate it will do infinitely more to exhaust the financial resources of the Government than to deplete the ranks of its adversaries. There are more good marksmen among the insurgents, but fewer cartridges to waste, and casualties are on both sides generally few and far between. When any considerable execution is accomplished it is at close quarters with cold steel—the bayonet and "machete."

There are undoubtedly good men among the Spanish officers, who fulfill their duties so far as they know them and the customs of the army permit, but a large proportion have, apart from their uniforms, nothing apparently that would commend them as soldiers, and the general standard seems very far below that of England and the United States. They appear to pay no attention to the health, food, comfort, or cleanliness of their men.

All but the most unavoidable duties seem to be left to the sergeants, and to bring the army to greater efficiency these would need the knowledge and capacity of general officers. If such defects are as common throughout the island, the recent successes point to a long war, and there is as yet no certainty that the crop of sugar will reach even 200,000 tons. The home Government has already called for volunteers, which in Spain shows a scarcity of troops, while as yet there is no evidence of weakening on the part of the insurgents, and if they have by their recent raid succeeded in effecting the rebellion of as large a proportion of the inhabitants of the heretofore undisturbed half of the island, which is much the more populous, very heavy reinforcements will be required, and there is little prospect of peace this year.

The Government allows little or no news about Gomez's movements, but rumor says that he has evaded the line formed across the island where it is but 21 miles, with 40,000 troops, in the hope of intercepting him upon his return. This concentration has left unprotected important districts, and the small bands of insurgents free to continue burning, collecting arms, and raising more men. There is no promise at present that any estate that did not pay subvention to the revolutionist last year will dare grind for a long time. In the solution of all-important political or race questions the unexpected is what generally happens, a change may nevertheless take place either way. It is also reported that Martinez Campos is going home, and the fear among Cubans that his withdrawal will give room for the repetition of the excesses of the last rebellion is having a deleterious effect.

Scant love of exactitude makes all statistics uncertain, and it is impossible to form any exact calculation of the real damage so far done. Maximo Gomez has shown much "method in his madness," and some generosity. Estates have been spared upon promising not to grind, one owner in Havana having been asked and given it by telephone. Others have been respected because the proprietors are more popular or had given money to the "cause." The cane fields of Spaniards have had a very decided preference, including those of a recent member of the present ministry. This is not surprising when it is remembered that many Spaniards are still in favor of summarily shooting all nonsympathizers at sight, and have been deadly enemies of the more civilized policy of Martinez Campos, to whom Cuba and humanity owe so much. Some still living went so far during the last war as to claim that all Cubans of the male gender over 10 years of age should be treated with the same tender mercy. Though not so drastic a remedy as that humorously proposed for the solution of the Irish question—by putting the sister island under water for fifteen minutes—it was fortunately not found admissible in the nineteenth century.

Among the estates of Spaniards there is one remarkable exception, the proprietor being famous for his unscrupulous dealings. Although the neighboring ones were burned, nothing upon his was harmed. This wily owner is supposed to have patriotically put up last year a golden lightning rod, which prevented his plantation from being struck. It is said that one American who had begun his crops was twice ordered to stop, and finally, seeing consequences more clearly under the lurid light of Gomez's firebrands, he accepted the inevitable and obeyed the revolutionary mandate. The insurgents, of course, excuse depredations which are beyond the pale of civilized warfare and at the same time a confession of impotence for better, though less effective, means, upon the ground that Spain with money can get men, and that they are not going to allow Cuba to give her, as she did during the last war, the means for cutting their own throats. The fact that rich Cubans who then gave money for the rebels have during this struggle refused all aid has also influenced feeling against the native planters. And incendiarism, besides depriving the Government of taxes, also obliges further outlay to save the homeless victims from starvation by supplying them with army rations. Meanwhile, the misery it is spreading will probably soon begin to have its effect in strengthening the ranks of the perpetrators.

Where all this will end there is no foretelling. Nevertheless, considering that most of the insurgents and many of the most prominent leaders are of the African race, the state of demoralization to which the country has been brought, the dense ignorance of the lower classes, and the long provocation, we have so far to be thankful that results are no worse, and however much the system of warfare is to be condemned, justice should be done to the rebels by a fair statement, in spite of all the calamities their deeds entail.

So far as I have been able to ascertain, from the commencement women have been respected, and this, under the circumstances and in a country where the passions are strong and so frequently unbridled, says a great deal in favor of the sense of right in the chiefs, and shows a better control of their men than could have been hoped for or expected. The soldiers who have fallen prisoners have been well treated and released after depriving them only of their arms, ammunition, and accoutrements. The rebels have respected towns where they were not fired upon after a call to surrender, and pillage has generally been limited to the grocers' or bodegueros' shops, and this exception is due partly to the necessity of supplying their most pressing wants and partly to the fact that men of this class—almost exclusively Spaniards—have generally made themselves so obnoxious to the poor, and even to the troops, by their extortions, that their very names in Cuba have become a byword and term of opprobrium. Estates have been spared where there was no attempt to grind, and one petty leader, at least, has been sentenced to death for extorting \$8,000 from a planter.

Not the least beneficent of their good acts is that of hanging by the way-side, whenever caught, the "Plateados" or "silver-plated" insurgents, criminals who, under the garb of patriotism, have committed thefts and murders. That this conflict has not degenerated into a war of pitiless extermination upon both sides is, in truth, due to the sterling common sense and humanity of Martinez Campos and the better instincts of the Cuban chiefs. They have committed none of those indiscriminate butcheries which characterized the other side during the last rebellion, though in some few cases they have killed defenseless men. They appear to have been provoked to it by some act on the part of the unfortunate victims, or these were volunteer officers and killed in reprisal because their own are shot when caught. If reports be true, many defenseless prisoners and unarmed peasants have been put to death secretly and against orders by the troops, and as this is generally believed in the rebel ranks, there is less of such work to lament than could be expected. If the small garrisons of the towns had delivered up their arms, it is to be supposed that no towns would have burned. They probably obeyed orders, whether rightly or wrongly given I leave others to decide. No right-minded person can sympathize with or approve atrocities by either

side, but strict justice should be done to both in the opinion of the world, and to this end extenuating circumstances should not be hidden.

Those who are unacquainted with Cuban history may well ask, Who are responsible for all this havoc and bloodshed? There is no room left for doubt or discussion upon this point. Liberal Spaniards themselves admit the truth; centuries of error and misrule and the influence of the old local Spanish party opposing those indispensable reforms which would put an end to the spoliation to which its wealth is due. England by the independence of her best colonies learnt a great lesson which has been often worth to her all its cost. Spain, on the contrary, has been taught nothing by the loss of hers; and Cuba is simply going the way of all the rest. Her inadequate rulers have nothing now to complain of but their own folly—the Cubans in revolt are what they themselves have made them, and innocent and guilty alike are now reaping the well-known fruit of the seed that political turpitude has so long been sowing.

The bane, the blight, the curse, and the scourge of Cuba from the days of her discovery to the present time have been blind, unbridled egotism and insatiable greed. We find the pages of her history soiled by injustice, extortion, and fraud, or crimsoned by man's inhumanity to man in an all-pervading and conscienceless haste to be rich. Many good men have come to her from Spain, contributing to her advancement and welfare, but unfortunately these were but a minority. The rest have been a band of spoilers who have hung their consciences when they had any upon the walls of the Morro upon entering Cuba's principal harbor, forgetting, so far as her interests were concerned, to take them down again when they left. If Spain had always been represented here by a majority of the better elements of her different classes, Cuba would have been one of the most tranquil, prosperous, and happy countries in the world.

Unfortunately for both, much immigration has come from Spain's very dregs. Priests and prelates have come, not to preach charity and practice morality, but to extort fortunes from the gross superstitions of rich and poor, living openly with their concubines, surrounded by their ill-begotten children, and have passed away without leaving a single good work to perpetuate their names. Judges have been sent with their scales, not to weigh out even-handed justice, but gold received for iniquitous decisions, bartering with wealth upon the one hand and selling freedom and immunity to the thief and life to the assassin upon the other. Thousands of avaricious shopkeepers have come to fill their coffers by smuggling, extortion, and robbery of the poor, going back in peace with their ill-gotten gains, or to sheel without them, leaving demoralized descendants, often as illegitimate as the fortunes they made, to squander them. Thousands upon thousands of corrupt officials have come to pervert the laws and customs, returning laden with bribes. A badly paid and ill-organized police have encouraged vice to live upon subornation. Every function of government has been perverted by greed for wealth, and not one single element in the whole body politic has been used to elevate the moral standard of the people or to induce respect for law.

With such antecedents it is not surprising that one looks in vain about this island for endowed schools, hospitals, asylums, or other charitable mementoes of the vast fortunes that generation after generation have been made and spent or preserved in miserly egotism; that the rich have felt that they owed nothing to the country which gave them their wealth, and have often shifted the burdens of taxation to the shoulders of the poor; that the poor feel neither respect for nor gratitude to the rich, to whom they owe nothing; that the laborer has been considered unworthy of his hire and too often defrauded of his pittance without redress. Disregard of natural rights has never begotten a sense of justice, nor are extortion and the illicit distribution of wealth the best means for inculcating the sacredness of property rights or to prevent their possession being looked upon by the ignorant masses as being an injustice nearly allied to crime.

Among those who have joined this revolt there are few who had anything to lose but their lives, their liberty, or their good names; and, educated in such a school, it is not to be wondered at that they should think themselves justified by their aims in desolating their own country as though it were that of the enemy in a barbarous age, looking upon their fatal work as the well-merited spoliation of their despoilers. There are naturally in the dregs of this revolution anarchistic tendencies which, if it is unsuccessful, will become more apparent in the future. Meanwhile, with over 200,000 men (including the volunteers), the Government seems utterly unable, for the present, to put any check to this destruction.

Spain's rule is being weighed in its own unbalanced scales, measured with its own false, unequal measures, and found most lamentably wanting. Long-delayed retribution has come at last with red-handed avengers, Spain's own begetting, falling alike upon the just and the unjust and the innocent and the guilty—"Mene, tekel, upharsin," is being written in letters of fire from Cape San Antonio to Point Maisi, upon the black clouds of smoke from Cuba's blazing crops and villages, and the end is not. The fertile plains of the brightest jewel of the Spanish crown are once again being devastated by fire and sword; her rich soil is once again being fructified by human blood, while her verdant hills, silent witnesses of all the long, eventful story of sardonic nepotism, injustice, and misrule, seem to echo back the old war cry of the crusaders. "It is the will of God; it is the will of God."

Mr. MORGAN. If I had had this letter read in the beginning of my remarks I would not have needed to say much else; but it is due to the committee, whose action I am endeavoring to justify, that I should present to the Senate this and other authentic evidence upon which its action is based.

The committee have made no mistake in declaring that—

A condition of public war exists between the Government of Spain and the government proclaimed, and for some time maintained by force of arms, by the people of Cuba.

This Cuban government rests upon the civil power of the people who support it and recognizes, as we do, that the military power is subordinate to the civil power. The government of the Republic of Cuba, through its accredited agent, has sent to our Government a statement of their claims for recognition as belligerents, in which there is no apparent misrepresentation as to existing facts and conditions in Cuba.

I will hereafter lay before the Senate so much of that document as relates to the organization, constitution, and some general laws of the Republic of Cuba.

These papers are carefully prepared and bear witness to a remarkable aptitude and ability in the organization of a new republic, born in the throes and travail of internecine war.

We find, then, the actual existence of an open civil war for independence, waged by a great number of the people of Cuba who sanction it and give to it their support through the powers of

civil government, and support it, also, with large, well-organized, and brave armies in the field, which have already overrun and are in control of more than half the territory of Cuba.

This situation fully justifies the United States in giving recognition to the Cuban Republic as a belligerent power and to the people of Cuba our recognition of their rights under the laws of civilized warfare.

If this resolution is adopted it will impose upon the United States certain duties to which we must give careful consideration.

1. What is the attitude of the United States toward Spain if the belligerent rights of Cuba are recognized?

It is an attitude of peace and friendship, without either the intent to give offense or to challenge or dispute the sovereignty of Spain over the Island of Cuba. Spain did not offend the United States when she recognized the Confederate States as belligerents, nor do we offend Spain by recognizing the Cuban republic or the Cuban people as belligerents in an open public war.

We do not conceal the earnest sympathy of our people with the people of Cuba in their struggle for independence, but until we are compelled we will not raise a hand to assist them.

General Grant in his special message to the Congress of the United States on the subject of recognizing the belligerency of Cuba in the then existing war with Spain, on the 13th of June, 1870, says as follows:

The question of belligerency is one of fact not to be decided by sympathies for or prejudices against either party. The relations between the parent state and the insurgents must amount, in fact, to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war; there must be military forces acting in accordance with the rules and customs of war—flags of truce, cartels, exchange of prisoners, etc.—and to justify a recognition of belligerency there must be above all, a de facto political organization of the insurgents sufficient in character and resources to constitute it, if left to itself, a state among nations capable of discharging the duties of a state, and of meeting the just responsibilities it may incur as such toward other powers in the discharge of its national duties.

That was a statement made by General Grant in his message, upon which he predicated a refusal to recognize the belligerent rights of Cuba in the preceding war. The present situation in Cuba has brought those people entirely within the strictest construction of all the doctrines and principles stated in the message of General Grant. I deem it unnecessary to read any further from the great number of authorities, many of them American, in which this same doctrine is stated, oftentimes with greater liberality, in favor of according belligerent rights than it is here stated by General Grant.

If we act in good faith and from proper motives in recognizing the belligerent rights of the Cubans and of the government they set up, Spain has no claim upon us, by treaty or otherwise, that forbids us to give this recognition.

The question on which our rights hinge in this matter is a question of fact which we must decide for ourselves.

I quote from a statement of Mr. Webster, made on the 5th of April, 1842, in a paper which he addressed to Mr. Thompson:

If citizens of the United States, enlisted in the service of an insurgent power whom the United States acknowledges as belligerent, but which is not so acknowledged by the parent State, should be treated when captured by the parent State otherwise than as prisoners of war, and their release, when demanded by the United States, should be refused, "consequences of the most serious character would certainly ensue."

Mr. Cass says on the same subject:

I am not aware that in this country any solemn proceeding, either legislative or executive, has been adopted for the purpose of declaring the status of an insurrectionary movement abroad, and whether it is entitled to the attributes of civil war, unless, indeed, in the formal recognition of a portion of an empire seeking to establish its independence, which, in fact, does not so much admit its existence as it announces its result, at least so far as regards the nation thus proclaiming its decision. But that is the case of the admission of a new member into the family of nations.

Mr. Cass refers to "the case of the admission of a new member into the family of nations," as to which it must be observed that there is a very marked distinction. We have had three recent illustrations of the action of the Government of the United States in the admission of republican forms of government to succeed monarchies, one in France, one in Spain, and one in Brazil, in all of which, having ministers recognized by the Government which had previously existed, when the change took place from monarchy to republicanism, our Government was in haste to recognize the Republics and, in the case of France and of Spain also, authorized the recognition of the new Republics by cablegram.

When, however, a country is divided asunder, some of its provinces or parts falling off from the others and claiming independence, particularly when that country is one of contiguous territory, as in the case of Texas, the recognition must be made by some other power, than the President of the United States, because that fact brings a new nation into the family of nations and the political existence of that nation as one of the family of nations must be established in this country by law. Thereafter, when it is thus established and thus recognized by law, the President of the United States, as the Chief Executive and as the constitutional conductor of our diplomatic relations, has the right to recognize the person who may preside in that Government as

being entitled to exercise the functions of his office. General Cass draws, inferentially, the distinction between the two cases in the remarks that I have just read.

Mr. Fish, in a letter to Mr. Motley dated the 25th of September, 1869, says:

The President does not deny, on the contrary he maintains, that every sovereign power decides for itself, on its responsibility, the question whether or not it will, at a given time, accord the status of belligerency to the insurgent subjects of another power, as also the larger question of the independence of such subjects and their accession to the family of sovereign states.

Thus we see that the right to recognize a foreign government as being a belligerent power is one that the Government of the United States asserts upon its own responsibility, and, I will add, with reference only to the rights and sympathies of its own people. It does not stop to consider whether or not it has a justification in the eyes of the country within whose limits an insurrection has arisen which has grown into the proportions of public war and a declaration of independence. It does not stop to consider the merits or justice of the case as between the insurgents and the mother country.

It does not stop to weigh with fine nicety of distinction what may be the appropriate moral sentiment of the mother country in refusing to give up the portion of her territory thus claiming independence. What the United States Government does and must do in a case of that kind is to follow the line of the interests and rights of her own people and the duties and obligations she owes to them.

I will admit that in acting in this way she may have very slight justification or no justification, and the motives of her action may be attributed to some jealousy of the mother country, to some ancient pique, or grudge, or revenge. If this was true the Government of the United States could be held morally responsible in the sense of the laws of nations for having interfered without just cause or necessity in the affairs of another country. But when, as we have seen in the statements that I have brought to the attention of the Senate, commencing as far back as 1823, there is a continuous purpose on the part of the Government of the United States to see that no inhuman persecutions shall be visited upon the Cuban people because they felt the aspirations of liberty burning in their hearts, when we have pursued during all of this period of time the most guarded and conservative course toward Spain, when we have placed, as I remarked last Thursday, statutes upon our books of the severest character to prevent our people from availing themselves of the ordinary privileges of the laws of nations in cases like this, nothing can be imputed to us except that we are driven by the power of facts, for which we are not in the slightest degree responsible, to that serious attitude in which we are bound to acknowledge, in deference to the rights and feelings of our own people, that the people of Cuba are lawful belligerents under the laws of nations.

The reasons why the Government of the United States has this peculiar right under these peculiar circumstances are various and numerous. I will undertake to cite a very few of them. First, the nearness of the strife to our own borders. Mr. Fish, Secretary of State, writing to Mr. Motley, 25th of September, 1869, announces this doctrine:

Or actual hostility might have continued to rage in the theater of insurgent war, combat after combat might have been fought for such a period of time, a mass of men may have engaged in actual war until they should have acquired the consistency of military power, to repeat the idea of Mr. Canning, so as evidently to constitute the fact of belligerency, and to justify the recognition by the neutral. Or the nearness of the seat of hostilities to the neutral may compel the latter to act; it might be his sovereign duty to act, however inconvenient such action should be to the legitimate Government.

President Grant, in his annual message in 1875, says:

The question of according or withholding rights of belligerency must be judged in every case in view of the particular attending facts. * * * This conflict must be one which will be recognized in the sense of international law as war. Belligerency, too, is a fact. The mere existence of contending armed bodies and their occasional conflicts do not constitute war in the sense referred to.

A civil war—

said Judge Grier, giving the opinion of the Supreme Court in the Prize Cases, 2 Black, 667—

is never solemnly declared; it becomes such by its accidents—the number, power, and organization of the persons who originate and carry it on. When the party in rebellion occupy and hold in a hostile manner a certain portion of territory; have declared their independence; have cast off their allegiance; have organized armies; have commenced hostilities against their former sovereign, the world acknowledges them as belligerents and the contest a war.

I now read from Woolsey on International Law, App. 111, note 19:

There may be a difficulty in ascertaining when the fact of war begins, and this difficulty is the greater in cases of insurrection or revolt, where many of the antecedents and premonitory tokens of war are wanting, where an insurrection may be of little account and easily suppressed, and where war bursts out full-blown, it may be, at once. Our Government has more than once professed to govern its action by the following criteria expressed in Mr. Monroe's words relating to the Spanish South American revolts: "As soon as the movement assumes such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, have been extended to them."

But this rule breaks down in several places. The probability is a creature

of the mind, something merely subjective, and ought not to enter into a definition of what a nation ought to do. Again, the success does not depend on steadiness and consistency of form only, but on relative strength of the parties. If you make probability of success the criterion of right in the case, you have to weigh other circumstances before being able to judge which is most probable, success or defeat. Would you, if you conceded belligerent rights, withdraw the concession whenever success ceased to be probable? And, still further, such provinces in revolt are not entitled by the law of nations to rights as equal parties to a civil war. They have properly no rights, and the concession of belligerency is not made on their account, but on account of considerations of policy on the part of the state itself which declares them such, or on grounds of humanity.

The writer then goes on to cite a number of instances which I will not undertake to detain the Senate by reading.

The time of this recognition is appropriate. I cite again, in support of this doctrine, Woolsey's International Law:

The true time for issuing such a declaration, if it is best to issue it at all, is when a revolt has its organized government prepared by law for war on either element or on both, and when some act, involving the open intention and the fact of war, has been performed by one or both of the parties. Here are two facts, the one political, the other pertaining to the acts of a political body. The fact of war is either a declaration of war or some other implying it, like a proclamation of blockade, or, it may be, actual armed contest.

In the wars that have occurred in Cuba many occasions have presented when our withholding a declaration of belligerency and neutrality has been unjust to our national character, until, indeed, our forbearance has been counted to us by other powers as proof of our weakness as a Government.

Our experiences in Cuba demand that no war shall exist there without our especial supervision as to the treatment of our people who are engaged in it, or are resident there, and if it is necessary for us to treat both parties as belligerents, we must do so in order to assert against them and impose upon each the duties and obligations of civilized warfare and of respect for the rights of our people.

With insurrections occurring in Cuba frequently and almost with a regularity proportioned to the time needed to recover from one war before another is begun and every struggle made disastrous to the property of our people in Cuba and horrible with the sacrifice of lives and other outrages on humanity, we have the right to interpose our recognition that a state of war exists and to maintain an armed neutrality, if need be, through which we shall separate between these warring parties, and hold the Government that is guilty of wrong to our citizens to its responsibility for such conduct.

If we consent to stand by and witness these Spanish methods of dealing with our people until these long struggles are ended, and then to seek the price of their blood through the protracted delays of Spanish diplomacy, the respect we shall thus exhibit for the sensibilities of a cruel monarchy will in the end destroy our self-respect.

I prefer now, in anticipation of what is about to occur, and we know will surely occur, as it has in each of these bloody wars, to act upon the declaration of our rights made in President Jackson's seventh annual message, in 1835, from which I will read.

Unfortunately, many of the nations of this hemisphere are still self-tortured by domestic dissensions. Revolution succeeds revolution; injuries are committed upon foreigners engaged in lawful pursuits. Much time elapses before a government sufficiently stable is erected to justify expectation of redress. Ministers are sent and received, and before the discussions of past injuries are fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing government, after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continue much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a government competent and enduring enough to discuss and make satisfaction for them.

That was a doctrine which was evoked by the fact of our being near to nations which were constantly afflicted with these spasms of turbulence and revolution. President Jackson, after his usual style, met it with a declaration that is American through and through, and just through and through, and it is upon that ground we stand to-day as firmly as we stand upon any other that affects our honor, or peace, or the safety of our people, when we demand that Spain, in the conduct of its war against Cuba, shall accord to her the attitude of a belligerent, so that if she achieves her independence we can hold her responsible for the wrongs done to our people. When Spain has succeeded in suppressing these revolts against her sovereignty in Cuba, her wars have left to us the legacy of devastated property to great amounts, for which no recompense has been made, and many lives of our people wasted without so much as an expression of regret.

It is asking too much of us, in the name of courtesy or friendship, that we should abstain from applying, in behalf of our people, the laws of civilized warfare, when the existence of public war is notorious and undeniable, because such a declaration may give countenance or encouragement to great bodies of people who are fighting for their liberty.

We have in many cases declared the rights, in favor of our own people, that are stated in the message of President Jackson from which I have quoted.

As to the occasions in the past when cruel barbarities have been perpetrated on our people in utter defiance of our treaty rights, applicable especially to Cuba, I will cite the comments of some of our eminent statesmen.

Speaking generally of the war in Cuba in 1875, Mr. Fish thus states the situation to Mr. Orth, November 15, 1875:

You will further state that the President is of opinion that should the Government to which you are accredited find it consistent with its views to urge upon Spain the importance and necessity of either terminating or abandoning this contest, which now after a continuance of seven years has not advanced toward a prospect of success on either side, but which is characterized by cruelties, by violations of the rules of civilized modern warfare, by pillage, desolation, and wanton incendiarism, threatening the industry, capacity, and production of an extended and fertile country, the friendly expression of such views to Spain might lead that Government to a dispassionate consideration of the hopelessness of the contest, and tend to the earlier restoration of peace and prosperity to Cuba, if not to the preservation of the peace of the world.

President Hayes takes up this subject in his first annual message in 1877, and says:

Another year has passed without bringing to a close the protracted contest between the Spanish Government and the insurrection in the Island of Cuba. While the United States have sedulously abstained from any intervention in this contest, it is impossible not to feel that it is attended with incidents affecting the rights and interests of American citizens. Apart from the effect of the hostilities upon trade between the United States and Cuba, their progress is inevitably accompanied by complaints, having more or less foundation of searches, arrests, embargoes, and oppressive taxes upon the property of American residents, and of unprovoked interference with American vessels and commerce. It is due to the Government of Spain to say that during the past year it has promptly disavowed and offered reparation for any unauthorized acts of unduly zealous subordinates whenever such acts have been brought to its attention.

That is more than Spain has deigned to do in the present war, so far as I am informed.

Now, as to the administration of justice in Cuba in times when the civil wars were flagrant, I will read a few observations, because it is in that particular matter that our people have perhaps a deeper concern than almost any other. Mr. Fish, writing to Mr. Sickles, November 25, 1870, says:

I inclose a copy of a decree said to have been made by a military tribunal in Cuba, and published in the *Diario de la Marina* on the 9th of November, current.

This decree purports to condemn to death sundry persons named in it as the central republican junta of Cuba and Puerto Rico, established in New York, and to confiscate their property. It appears affirmatively in the decree that none of the condemned had appeared before the court.

Condemning men to death who were living at that time in New York and had never been before the court.

This revolutionary body, known as the Cuban junta, voluntarily disbanded itself about one month before this decree was made, and announced its intention to discontinue any hostile purpose it might have entertained against Spanish rule in Cuba. During its previous history its acts, so far as conflicting with the laws of the United States and the international duties of this Government, were repressed by the President. This Department has also been officially informed by Mr. Roberts that the state of affairs in Cuba is regarded as a favorable one by the Spanish Government, and that in consequence of that the extraordinary powers previously vested in him had been withdrawn. This Government has therefore seen with surprise and regret the announcement of a policy in Cuba which is apparently uncalled for by any present emergencies, which is not in harmony with the ideas now entertained by the most enlightened nations as to the treatment of political offenses, and which, as it appears to us, will tend to continue the unhappy disturbances which exist in Cuba.

Very numerous controversies—one we have recently settled in the Mora case—have arisen between Spain and the United States growing out of this insurrection, and have led to long diplomatic interchange of notes and a great deal of angry contention and disturbance between these two Governments.

In the present war we have an account from our consuls in Cuba of the arrest of 27 American citizens and the expulsion of others, and of the destruction of much valuable property of our citizens. I need not dwell on these incidents as showing, by object lessons, the renewal of the horrors of former wars for the independence of Cuba.

The present war, since the more humane plans of General Campos have caused his recall to Spain, to give place to Valerian Weyler, has received an impress of cruelty in the decrees he has promulgated as commander in chief and captain general for its further prosecution that is more ferocious than any that any ruler has dared to avow in modern times.

It proclaims a war against the people, against the poor and the helpless, against women and children, and all movable property, trade, food supplies, and every element of personal liberty, whether of speech or action, with a cruel cunning and atrocity that has no parallel in the history of modern civil wars.

This bloody code will as surely be enforced in its terrible and discretionary penalties against our people in Cuba as that any of them are found there suspected of sympathy with the Cuban people. It violates our commercial rights and annuls the treaty stipulations for the trial of our citizens who are accused of crime in Cuba.

Summary conviction and sudden death are imposed upon those who "insult their superiors." If a fancied or affected insult to the haughty pride of the Spanish hidalgo is made by some poor victim, under the goad of imperious persecution, the courts are

dispensed with and the egotistic and lordly tyrant becomes at once the judge and executioner.

If any such wicked decree is made and executed under this Weyler code against any citizen of the United States, Spain had as well understand now as later that 70,000,000 freemen will visit upon her a punishment compared with which the loss of Cuba would be as a pleasing satisfaction.

As a warning of certain redress against this dictation of a ruthless tyrant, and as plain notice to the native Cubans who may be driven into retaliation by its murderous denunciations, the least we can do is to place both parties in the national attitude of belligerents, so that we can hold each of them responsible for their conduct in dealing with citizens of the United States.

The declaration of neutrality when made by us imposes on us the duties of neutrality, and this is all that it does. I will state them very briefly.

The duties imposed upon us are that we are bound to restrain enlistment by belligerents; we must restrain the forming of armed expeditions; we are bound to restrain the fitting out and selling of armed cruisers to the belligerents, or the passage of belligerent troops over our soil; we are bound not to permit our territory to be made the base of belligerent operations, nor to permit belligerent naval operations in our territorial waters, nor to permit the sale of prizes in our ports; we are bound to redress damages done to belligerents by our connivance or neglect.

Now, what are the rights of our people under this declaration of belligerency, which involves, of course, the declaration of neutrality? They may trade with either belligerent and may trade with the colonies of the belligerent which are not even open to trade in times of peace. We may permit free discussion as to foreign sovereigns. We may permit our people to furnish funds or supplies to the belligerents. Our people may furnish them with munitions of war. They may enlist in the service of the belligerents, provided they do not, in contravention of our own statutes, enlist in this country or enlist in bodies formed for the purpose or actually organized into military squads. We are permitted to sell them ships or to buy ships from them. We are permitted to give an asylum to the belligerent ships or troops in our ports or on land.

Mr. President, that exhausts the list of the duties, and obligations, and the rights of persons thus involved in belligerency. It is needless to state more fully what are the rights and duties of neutrals in time of war, because this resolution is not the least indication of hostility to either of the belligerent governments in Cuba, but imposes upon us the duty of preserving a relation of friendship to both.

Whether our statutes restrain our citizens within narrower limits in their intercourse with belligerents than the laws of nations prescribe is not a material inquiry at this time, for our proposed action is based upon our sense of right and duty, and is moved by our sense of justice and our sympathy with those who are harshly treated, and not by any advantages of trade that may come to our people in their intercourse with either of the belligerents.

With peace in Cuba we have very liberal rights of trade with those people.

Spain declares that Cuba is at peace and only a faction of the people there are engaged in sedition or insurrection. But with this declaration of peace she imposes upon our trade in contraband and in supplies to places in rebellion the laws of war.

We are thus forced to declare the existence of open war that our people may enjoy the rights of neutrals in war, at the risk of capture, that are denied to them as the friends of Spain because Cuba is in a state of insurrection.

Thus peace shuts us out from trade with Cuba, and we declare that war exists there, so that we may have as much freedom of trade as a state of war will give us. As it is, our trade is virtually abolished.

Along with open war we have the right to insist that it shall be civilized warfare.

Upon this subject I could read, if I felt disposed to detain the Senate, some statements from the Cuban agents who are here, which, I think, would be highly worthy of attention; and I hope other Senators who may be disposed to engage in this debate will look up that subject, and I will furnish them with the information, if they desire to have it.

But it is a canon of universal acceptance among all Christian nations that in modern times, at least, the laws of civilized modern warfare shall be observed by all belligerents.

The next question, Mr. President, upon which I propose to make some discussion is in answer to the question put to me, I think, by the Senator from Massachusetts [Mr. HOAR], or one of the Senators, as to who may declare the belligerent rights of a foreign people, whether the President or Congress, or both in conjunction. Upon this proposition, which does not really arise upon the resolution reported by the committee, I will take the opportunity of submitting some further considerations to-morrow, as it is entirely disconnected with the question of our right and our duty

to recognize the belligerency of Cuba and the manner in which it shall be done, and whether this resolution, now offered in the Senate by the Committee on Foreign Relations, shall be effectual for that purpose is a question entirely aside from our right and duty to recognize the belligerency of Cuba.

I wish to say, then, Mr. President, that not one word that I have uttered on this floor, and not one word, I think, that has been or will be uttered by any other Senator arises from any jealousy of Spain or any disposition to do her any wrong, to subject her to any humiliation or any injustice. We are speaking now only in behalf of our own people, who, innocently on their part, have been drawn into a situation where a decision must be made in their behalf as to the fact whether a war exists in Cuba or does not exist there. I have already cited and read the authorities to prove that any American citizen found in the Island of Cuba has the private right to determine for himself whether war exists there or not, and to regulate his conduct according to his intelligent decision of that proposition.

If while he is in the interior of Cuba he makes a contribution to the Cuban army, whether he does it voluntarily or under a constraint imposed upon him, he has the right, as I have proved by the authorities I have cited, to decide for himself whether the party to which he makes that contribution is engaged in public war and is the representative of a political de facto government controlling in that immediate vicinity. That decision made by him protects him, and there is not a power which belongs to the Government of the United States which will not be exerted to protect that man in making his decision, as much as it would a soldier who might muster under our flag in virtue of a concurrent or joint resolution passed this day in the two Houses of Congress and signed by the President. The fact of belligerency is the thing which determines the right—not the justification of the belligerents, not the purposes of the war; but if a public, open war exists in Cuba to-day our own private citizens may determine it, and must determine it if they are found there, as we see they have been in many cases.

The case of Mr. Atkins, to which the Senator from Massachusetts referred, is a case directly in point. What must Mr. Atkins do? he inquires. Must he pay this tribute of \$3 a ton, or whatever it is, which is levied upon him by the Gomez government or the Cisneros government, the civil government and the military government of the Republic of Cuba, or shall he refuse to pay it to them? If he pays it to them voluntarily, Spain holds him accountable, and his property is within her domain and is threatened with embargo. If he does not pay it to the Cuban republicans, his property will be destroyed, or perhaps a forced levy made upon him. That man has the right to decide the question, and if he makes a payment to the Cuban rebels under such conditions and circumstances, and Spain undertakes to embargo or confiscate his property because he is giving aid and comfort to the enemy, the Government of the United States would be bound to step in and say: "Mr. Atkins was compelled to make the decision and had the right to do it; you did not have the power to extend your Government protection over him at the time, and the only protection he could gain was by his intelligent decision as to whether this was in fact a mere mob or riot or insurrection, or whether it was a public war."

So we have got to trace such questions up, in such cases, beginning with our people whose persons and property are upon that island, and we have got to follow them through all of its stages, so as to see that men who have even gone contrary to our own laws and enlisted in the Cuban service, or, if you please, in the Spanish service, are protected by the laws of civilized warfare.

There is no public reason, there is no reason founded in justice, there is nothing which animates the heart of an honest American which furnishes to us, in my judgement, on this serious occasion the slightest justification for refusing to recognize a fact which the whole world is bound to acknowledge. If we make that recognition now, it may have some impression upon this war to carry it in favor of one party or the other. If it does, that is not our intention. What we intend to do is to declare a state of public war as existing there, because that is the fact, because that is the truth. It is our duty to our own people to recognize it, and only to them.

More than that. If we make this recognition now, and if this rebellion be put down, if this insurrection is quelled, the next one which comes, or the next—for come they will, come they must, and we know it—will come under the premonition of a decided policy of the United States of America. When these people in search of their liberties and in demand of their natural rights again flare out into open public war, though it may be done in an hour, though it may not be done in a month or a year, Spain will have notice that she can not consider them and our people who may be there and who may be obedient to the authority of the de facto government in the light of mere criminals and culprits, liable to be shot to death when she captures them with arms in their hands, or without; she must hereafter treat them according

to the fact, and when the fact becomes obvious, and is known the world over and there is none who can honestly dispute it, she must recognize that fact and extend to the belligerents the rights of civilized warfare.

I desire to retain the floor for a few moments to-morrow on the pending resolution.

Mr. DUBOIS. Mr. President—

Mr. WHITE. Will the Senator from Idaho yield to me for the purpose of allowing me to offer a substitute for the pending resolution, simply that it may be printed before to-morrow, and for no other purpose? I do not wish now to offer any remarks about it.

Mr. DUBOIS. I yield for that purpose.

Mr. MORGAN. Let the proposed substitute be read, Mr. President.

The VICE-PRESIDENT. The proposed substitute will be read. The Secretary read as follows:

Resolved, That the Senate contemplates with solicitude and profound regret the sufferings and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We trust that the executive department, to whose investigation and care our diplomatic relations have been committed, will, at as early a date as the facts will warrant, recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent government of her own choice.

The VICE-PRESIDENT. The amendment will be printed.

ANNULMENT OF LAND PATENTS.

Mr. DUBOIS. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 5474) to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes, to report it favorably with amendments. I desire to make a brief statement regarding it.

Five years ago a bill was passed fixing the time within which the Government could bring suit against railroad companies to annul patents which had been issued fraudulently or erroneously. Unless the bill which I now report be passed by next Monday, all those fraudulent and erroneous patents will be validated. The bill has been amended in some respects by the Committee on Public Lands, and it must go to the House of Representatives, pass there, and be signed by the President by next Monday. The bill is of sufficient importance for the President to have sent a special message to Congress in regard to its subject-matter.

I will say that the Senate Committee on Public Lands, with a full attendance, every member being present save one, who is out of the city, have considered the bill carefully, and have come to a unanimous agreement. This is a unanimous report from the Committee on Public Lands, and I ask unanimous consent, owing to the emergency, that the bill may now be taken up and put on its passage. I think there will be no opposition to it.

Mr. CALL. Temporarily laying aside the pending measure?

Mr. DUBOIS. Of course, temporarily laying aside the pending measure.

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

The first amendment reported by the Committee on Public Lands was, in section 1, line 7, before the word "years," strike out "ten" and insert "six"; so as to make the section read:

That suits by the United States to vacate and annul any patent to lands heretofore erroneously issued under a railroad or wagon-road grant shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date of the issuance of such patents, and the limitation of section 8 of chapter 561 of the acts of the second session of the Fifty-first Congress and amendments thereto is extended accordingly as to the patents herein referred to. But no patent to any lands held by a bona fide purchaser shall be vacated or annulled, but the right and title of such purchaser is hereby confirmed: *Provided*, That no suit shall be brought or maintained, nor shall recovery be had for lands or the value thereof, that were certified or patented in lieu of other lands covered by a grant which were lost or relinquished by the grantee in consequence of the failure of the Government or its officers to withdraw the same from sale or entry.

The amendment was agreed to.

The next amendment was, in section 2, line 19, after the word "States," to insert "against the patentee, corporation, company, person, or association of persons for whose benefit the certification was made"; and in line 22, after the word "party," to strike out "of" and insert "to"; so as to make the section read:

SEC. 2. That if any person claiming to be a bona fide purchaser of any lands erroneously patented or certified shall present his claim to the Secretary of the Interior prior to the institution of a suit to cancel a patent or certification, and if it shall appear that he is a bona fide purchaser, the Secretary of the Interior shall request that suit be brought in such case against the

patentee, or the corporation, company, person, or association of persons for whose benefit the certification was made, for the value of said land, which in no case shall be more than the minimum Government price thereof, and the title of such claimant shall stand confirmed. An adverse decision by the Secretary of the Interior on the bona fides of such claimant shall not be conclusive of his rights, and if such claimant, or one claiming to be a bona fide purchaser, but who has not submitted his claim to the Secretary of the Interior, is made a party to such suit, and if found by the court to be a bona fide purchaser, the court shall decree a confirmation of the title, and shall render a decree in behalf of the United States against the patentee, corporation, company, person, or association of persons for whose benefit the certification was made, for the value of the land, as hereinbefore provided. Any bona fide purchaser of lands patented or certified to a railroad company, and who is not made a party to such suit, and who has not submitted his claim to the Secretary of the Interior, may establish his right as such bona fide purchaser in any United States court having jurisdiction of the subject-matter, or at his option, as prescribed in sections 3 and 4 of chapter 376 of the acts of the second session of the Forty-ninth Congress.

The amendment was agreed to.

Mr. HOAR. I should like to ask the chairman of the committee a question in regard to the last amendment at the foot of page 2. Suppose the land has been conveyed to a bona fide purchaser; then I understand there is to be a judgment for the United States against the party who originally took the defective land grant, and has conveyed it to a bona fide purchaser; but the proposition is that there shall be a decree for the value of the land. Suppose some railroad company conveyed the land for \$1.50 an acre at the time, or \$2 an acre, or any other small sum, and this grant is held invalid by reason of some technical or other objection; the railroad company conveyed the land for that price, and now there is a city on it, and the land may have gone up twenty times in value; is it the purpose of the bill to hold the original patentee liable in that case for the present value of the land; and if so, is it not establishing a rule that exists nowhere else in regard to the liability of a grantor?

Mr. PASCO. The minimum Government price is the amount fixed in the bill, as the Senator will see by looking at the tenth line of section 2.

Mr. HOAR. In a previous section there is a limitation. That answers the question.

Mr. PEPPER. I have received a number of letters in opposition to the bill, but not having examined its provisions, I did not quite see the force of the objections that were made. It was my impulse when the bill was read to object to its consideration, but after having conferred with a number of the members of the Committee on Public Lands, in whose judgment I have very great confidence, I have concluded not to raise the objection. However, I wish to make this statement in order that the objectors may understand that I have given the matter some consideration before letting the bill come to a vote.

Mr. CALL. I should be glad to hear a statement made by some member of the committee who is familiar with the bill, which is a very important one. If it merely extends the limitation of time within which suits may be brought where lands have been fraudulently, erroneously, and unlawfully conveyed to corporations, I have no objection to it. I shall vote for the bill, as I understand the matter, but reserving the right to move a reconsideration of the vote if I find that the sections are not of that character.

Mr. BERRY. I will state to the Senator from Florida [Mr. CALL] that in 1891 Congress passed an act requiring that all suits brought by the Government to annul patents should be brought within five years. That time will expire on the 3d day of the coming month, March. While the Land Office has done all that it has been possible to do to bring those suits within that time, it has been unable to bring all the suits that the officials believe should be brought, and the President of the United States called the attention of Congress to the matter, recommending that the law be repealed or at least the limit extended.

The other House has passed the pending bill. It sought in it to protect all innocent purchasers, bona fide purchasers, so as not to subject them to suits by the Government. The bill extends for five years the time within which the Government may bring suit to set aside any of the grants to the various railroad corporations of the country where the lands are still under the control or in the possession of the railroad company. That is the object and the purpose of the bill. There are a number of details by which innocent purchasers may apply to the Secretary of the Interior and have their titles confirmed where there is shown to be any question.

Now, I will state frankly that I should have preferred to repeal the act of 1891 out and out, and leave no question whatever. But that is impossible. This is a House bill, and it is this or nothing. If the pending bill is not passed and signed by the President before next Monday the limitation enacted in 1891 will have attached and it will be claimed, at least, whether it is the law or not, that the title, however fraudulent it may be, to the railroads will be confirmed. I think it is absolutely important that the bill should be passed and passed this evening, and so think all the other members of the Committee on Public Lands.

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

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

The bill was read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 147) granting a pension to George W. Chase, late private Company B, Twenty-second New York Cavalry;

A bill (H. R. 1605) granting a pension to Anna Kelley;

A bill (H. R. 1785) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the W. H. Wallace Post, No. 66, Grand Army of the Republic, of Eldorado, Kans., and for other purposes;

A bill (H. R. 3698) granting an increase of pension to Mrs. Jane Dulany;

A bill (H. R. 4153) to grant the Fort Smith and Western Coal Railroad Company a right of way through the Indian Territory, and for other purposes;

A bill (H. R. 4321) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes;

A bill (H. R. 4960) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1897; and

A joint resolution (H. Res. 121) calling upon the Secretary of War for certain information in relation to the harbor at Manitowoc, in the State of Wisconsin.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 25, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1896.

PROMOTION IN THE ARMY.

Infantry arm.

Second Lieut. William Alexander Campbell, Ninth Infantry, to be first lieutenant, February 16, 1896, vice Wills, Twenty-second Infantry, deceased.

POSTMASTERS.

Anson E. Chamberlain, to be postmaster at Dalton, in the county of Berkshire and State of Massachusetts, in the place of Martin E. Stockbridge, whose commission expired February 9, 1896.

Charles Laurence, to be postmaster at Owosso, in the county of Shiawassee and State of Michigan, in the place of Newton McBain, whose commission expired February 8, 1896.

Edmund C. Burke, to be postmaster at Virginia, in the county of St. Louis and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1894.

Sloan E. Wible, to be postmaster at Hopkins, in the county of Nodaway and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1896.

THIRD ASSISTANT SECRETARY OF STATE.

William Woodward Baldwin, of New York, to be Third Assistant Secretary of State of the United States.

CIVIL SERVICE COMMISSIONERS.

John B. Harlow, of Missouri, to be Civil Service Commissioner.

William G. Rice, of New York, to be Civil Service Commissioner.

POSTMASTERS.

J. M. B. Petrikin, to be postmaster at Greeley, in the county of Weld and State of Colorado.

Irving McArthur, to be postmaster at Lapeer, in the county of Lapeer and State of Michigan.

J. M. Doolen, to be postmaster at Quanah, in the county of Hardeman and State of Texas.

John G. Hoffman, to be postmaster at Elizabethtown, in the county of Lancaster and State of Pennsylvania.

Edwin L. Coates, to be postmaster at Boulder, in the county of Boulder and State of Colorado.

F. P. Kanester, to be postmaster at Cleveland, in the county of Bradley and State of Tennessee.

HOUSE OF REPRESENTATIVES.

MONDAY, February 24, 1896.

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

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

ORDER OF BUSINESS.

Mr. BABCOCK rose.

The SPEAKER. Does the gentleman from Wisconsin [Mr. BABCOCK] claim the day?

Mr. BABCOCK. This being District of Columbia day—

Mr. SHERMAN. Will the gentleman permit me to interrupt him? The Committee on Indian Affairs are anxious to have this day in order to complete, if possible, the consideration of their bill now pending in Committee of the Whole. I therefore ask unanimous consent that District of Columbia day follow immediately after the conclusion of the consideration of the Indian bill, and that we proceed now with the consideration of that bill.

Mr. BABCOCK. That will be agreeable to the committee.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] asks unanimous consent that the consideration of matters from the Committee on the District of Columbia which would be presented to-day shall follow the conclusion of the consideration of the Indian appropriation bill. Is there objection?

Mr. DALZELL. I call attention to the fact that an election case has been fixed for to-morrow, by the consent of the House, as I understand.

Mr. SHERMAN. Notice was given; but no order was made, I believe.

Mr. BABCOCK. I do not understand that there has been any order fixing that business for to-morrow.

Mr. RICHARDSON. I suggest that the election case, being privileged, could be called up at any time.

Mr. DALZELL. That is true.

The SPEAKER. As the Chair understands, notice only was given. Is there any objection to the request of the gentleman from New York [Mr. SHERMAN]? The Chair hears none.

REPRINT OF A BILL, ETC.

Mr. LOUD. I ask unanimous consent for a reprint of the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, with the accompanying report thereon.

There being no objection, it was ordered accordingly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 3962) to authorize the construction of a bridge across Lake St. Francis, in the State of Arkansas.

INDIAN APPROPRIATION BILL.

On motion of Mr. SHERMAN, the House resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair, and resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The CHAIRMAN. The question is on the amendment offered on Friday last by the gentleman from Oregon [Mr. HERMANN], upon which the gentleman from New York [Mr. SHERMAN] reserved a point of order.

The amendment of Mr. HERMANN was as follows:

Add to the pending paragraph the following:

Provided, That the lands now allotted to or which may be hereafter allotted to any Indians in severalty, under agreements already made, when such Indians, under the provisions of any existing law, have become or shall become entitled to the benefits of and subject to the laws of any State, and when such lands shall be embraced in and as a part of any county or town organization, so as to enjoy full and equal participation in the benefits of such local government, and when the Indians enjoy their equal privileges as citizens, shall be subject to State and local assessment and taxation, the same as any other lands similarly located in such State: *Provided, however*, That nothing herein contained shall authorize the sale or incumbrance of any such land on account of such assessment and taxation, or in any manner interfere with the trust in which such lands are held by the United States while such trust continues: *And provided further*, That during the continuance of said trust said taxes so assessed and levied shall be paid from the Treasury of the United States to the county treasurer or other legally authorized officer of the county or municipality to which such taxes are payable, at such time as said taxes shall become due and payable: *And also provided further*, That said taxes shall only be paid on the receipt of the sworn statement of the county treasurer or other legally authorized officer of the county or municipality to which such taxes are payable, showing that such tax has been legally assessed and levied, and that said tax is then due and payable, accompanied by the certificate of the Secretary of the Interior that said lands are within the State and county described in said statement and that the lands therein described have been allotted in severalty or belong to Indian citizens of the United States, and that he is satisfied, after sufficient inquiry, that the assessment of the lands for taxation is a fair and reasonable one, and the taxes levied just and equitable, both independently and in proportion to the valuation and taxation of lands in the same county, town, or other municipal corporation: *And provided further*, That no moneys shall be so paid for road or highway taxes which by the laws of the State may be discharged by work, but the Indians owning such

lands shall be required to so discharge such taxes: *And provided further*, That the Secretary of the Interior shall be satisfied, and so certify, that the public expenditure of such taxes is fairly made to give the lands of such Indians their just share of benefit.

"Sec. 2. That from and after the passage of this act there shall be paid annually, from any moneys in the Treasury not otherwise appropriated, such sum as shall be necessary to pay said taxes so certified under section 1 of this act."

Mr. SHERMAN. I am willing that the gentleman from Oregon should be heard on the question of order.

Mr. HERMANN. Mr. Chairman, under the provisions of the general allotment act, approved February 8, 1887, a major portion of all the lands in the Indian reservations have now been allotted in severalty among the Indians upon those reservations. In that act it is provided that all Indians accepting the benefits of the act shall be entitled to all rights and privileges of citizenship and shall be subject to all responsibilities as such. Under that act those Indians are entitled to the full benefits of the laws of the land, as much so as white citizens of the country.

It is also provided in that act that the title to the lands shall be held in trust by the United States for the period of twenty-five years after the approval of the selections in the allotment; that at the expiration of such period the lands shall be conveyed in fee by patent to the different Indians who are enjoying these allotments, and that the patents shall convey to the Indians a title discharged from the trust and free from all incumbrances. It is further provided that as to these Indians no State or Territory within which they may be situated shall deny to them the equal protection of the laws of such State or Territory.

The amendment I have offered provides that these lands, being now free from assessment and taxation, which can not be alienated or disposed of by the Indians separately, or by the tribes, or by the United States, shall be subject to assessment and taxation. At the present time, as I have stated, these Indians are entitled to all the rights and privileges of citizens. They have the full protection of the laws. In fact, the law of allotment, as I have stated, prohibits any State from passing any law which shall deny to these Indians the equal protection of the laws. They are therefore enjoying the privileges of citizens. Yet they are not subject to the responsibility of answering to the great law of assessment and taxation. It is proposed in this amendment that in the absence of any provision in the existing law, the United States shall answer to the State or Territory or to the local laws for the taxes which may become due under proper assessments upon these Indian lands. In other words, it is provided that the Government of the United States, standing in the relation of guardian of these Indians, holding their lands in trust for the period of twenty-five years, shall answer to the law in the matter of taxes upon the land in the same manner as if the Indians were paying this taxation to which all other citizens having the same property rights are subject.

It is deemed to be unjust to the State, as well as to the local bodies imposing taxation, that these Indians shall be entitled to the privilege of voting, that the State or the county shall be at the expense of establishing voting precincts, paying the cost of the canvassing boards, establishing justices' courts, compensating the justices, constables, etc., in execution of the law through the courts, and shall be put to the cost of establishing roadways under the laws of the Territory or State, appointing road supervisors, paying them for the duties performed; that schools shall be established, directors provided, that their compensation shall be paid from the Government Treasury out of funds derived from taxation on the property of the other citizens, while the property of the Indians shall escape entirely its just share of taxation although they are accorded all the privileges of the white people; that the criminal law shall be established and maintained throughout the State and all over this vast territory occupied by the Indians, and yet that they shall be exempt from the liabilities imposed on the other citizens while enjoying the complete protection of the law.

Mr. Chairman, it is certainly only just and proper to the taxpayers in those regions where these Indian allotments have been made that the Indians themselves, being the wards of the nation, shall bear their due share of the burdens which are imposed upon the other people of the country. For that reason I hope the gentleman will not insist upon the point of order, but will allow the committee to act upon the amendment.

Mr. GAMBLE. Mr. Chairman, I ask the indulgence of the committee for a few moments in order to address myself to the amendment offered by the gentleman from Oregon [Mr. HERMANN].

The question is one in which the people of my own State are greatly interested, and I do not want the amendment to be considered by the Committee of the Whole House with any prejudice against it for the reason that it has not been acted upon and reported by the Committee on Indian Affairs. A bill was introduced by myself at the opening of this session of Congress, and the amendment offered is a copy of that bill. It was referred to a subcommittee, but the chairman of the subcommittee has necessarily been absent from the city, and we have been unable, there-

fore, to have the same considered and a report presented from the whole committee.

But, Mr. Chairman, the same bill embodied in this amendment was prepared by the Commissioner of Indian Affairs in 1892 and received the careful consideration of that officer as well as the then Secretary of the Interior. It was drawn by Commissioner Morgan and its passage recommended. It has received a favorable report from three different committees of the Senate, and we feel justified in urging its consideration on the part of the House at this time, though I feel like apologizing, as I have said, in bringing the question up without consideration first having been obtained of the subcommittee and the full Committee on Indian Affairs, with a recommendation for its passage. But for the reason I have stated, it was impossible. Nevertheless, I feel that this question should be considered on its merits. We recognize that it is subject to the objection which has been suggested that it is new legislation and not warranted by the rules. But if gentlemen of this committee are willing at this time to give careful and fair consideration to the merits of the amendment, we will be glad to be heard, and feel sure there will be no difficulty in satisfying the House of the importance and propriety of the legislation proposed. We feel, not only in justice to the Indians themselves but the white settlers among them, that the legislation should be promptly and favorably acted upon by the House.

At the same time I justify the offering of the amendment by the gentleman from Oregon at this time by the course the bill has heretofore taken, in that it has been reported favorably by three successive committees in the Senate, and has been pending for some time in that body on a favorable report from the Committee on Indian Affairs at the present session. I ask that the technical objections, therefore, be withdrawn and the bill considered on its merits; and I would be glad to submit to the Committee of the Whole a communication favorable to the passage of the bill in 1892 by the then Commissioner of Indian Affairs, Mr. Morgan. Although it is true the bill is objected to by the present Secretary of the Interior, yet he gives no reasons why it should not be passed, while on the other hand it meets the approval, and the hearty approval, of the Commissioner of Indian Affairs. I take the liberty of reading an extract from his report upon House bill No. 285, of which this is a copy.

So far as the interests of the Indians are concerned, there can be no possible objection to the enactment of the proposed legislation. On the contrary, I believe it would result in more cordial relations between the Indians and their white neighbors.

The Commissioner in this report goes on to state that whether the burden that is now borne by the people of the State, in consequence of the allotment of these lands and the nonpayment of taxes by the Indians, should be shifted to the people of the United States is a question which seemed to him may be safely left to the discretion of Congress.

But I will not proceed to argue the bill on its merits, and content myself by hoping that the objection will be withdrawn and the amendment receive an honest and fair consideration as a part of this appropriation bill by the committee.

Mr. SHERMAN. Mr. Chairman, I regret exceedingly to insist upon the point of order against my colleague and my friend from Oregon, but it seems to me that a law which is so radical ought not to be passed until it has been fully and fairly considered by the Committee on Indian Affairs. Unfortunately it has not been brought to the attention of the full committee, sitting as such, and therefore with regret I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

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

CHIPPEWAS 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. SHERMAN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk. It is recommended by the Secretary of the Interior and is in the interest of economy.

The amendment was read, as follows:

Add at the end of line 10, page 14, the following:

"And the duties imposed upon the three commissioners appointed under the provisions of the act of January 14, 1889, shall, from and after the passage of this act, be performed by one commissioner, to be designated by the Secretary of the Interior."

The amendment was agreed to.

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

POTTAWATOMIES OF INDIANA AND MICHIGAN.

For this amount due certain Pottawatomie Indians of Indiana and Michigan, etc.

Mr. SHERMAN. Mr. Chairman, the second word in that paragraph should be "the" instead of "this." I refer to line 8, page 25. I ask the Clerk to make that correction.

The CHAIRMAN. Without objection, the change will be made. There was no objection.

The Clerk, resuming the reading of the bill, read as follows:

SEMINOLES.

For 5 per cent interest on \$250,000, to be paid as annuity, per eighth article of treaty of August 7, 1856, \$12,500:

For 5 per cent interest on \$250,000, to be paid as annuity (they having joined their brethren west), per eighth article of treaty of August 7, 1856, \$12,500.

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

The amendment was read, as follows:

Insert, in line 15, page 27, after the word "dollars," the following:

"Provided, That the sums of money mentioned in this and the preceding paragraph shall be paid to said Indians by an officer designated by the Secretary of the Interior."

Mr. SHERMAN. Mr. Chairman, I must reserve a point of order against that, that it changes existing law—the law as it exists in the treaty. Whatever money is paid must be paid only as the treaty provides, and I assume that this changes that, or my friend would not offer it.

Mr. FLYNN. I do not understand that it changes any treaty. In mentioning the Five Civilized Tribes the Seminoles are always included, although their treaties, their land tenure, and everything are different from the other four. The object of this amendment, briefly stated, is this: There are about 2,000 Seminole Indians. The chief is Governor Brown. The treasurer is Jackson Brown, his brother. There are but two stores in the Seminole Nation, both owned by the Browns. This money is paid to Jackson Brown, the treasurer, and the Indians never see a dollar of it, but the Browns issue to the Indians duebills, good for so much in goods at the Browns' stores. The Browns have absolute control not only over the property, but I may say over the lives of those Indians. The Indians must take Browns' duebills for the amount of money that the Government pays them in annuities. I think, in justice to the Indians, in fairness to them, this money should be paid by an officer designated by the Department, which will insure the Indians, instead of the storekeeper, getting all the money.

Mr. SHERMAN. Let me ask my friend, does not the treaty now provide how the money shall be paid?

Mr. FLYNN. No; it does not. The treaty provides that it shall be paid to the Indians. I want to provide how it shall be paid, by an officer of the Department, to insure the Indians obtaining the money, and not the storekeeper obtaining it.

Mr. SHERMAN. If that is all there is of it, I shall raise no point of order against it.

Mr. FLYNN. That is all there is of it.

Mr. LITTLE. I hope the chairman will withdraw the point of order. I think the amendment is in the proper direction.

Mr. SHERMAN. If that is all there is of it, I shall raise no point of order, Mr. Chairman.

The amendment was agreed to.

The Clerk proceeded with the reading of the bill.

Mr. SHERMAN. I ask unanimous consent to return to page 22, where I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York desires unanimous consent to return to page 23 for the purpose of offering an amendment. Is there objection?

There was no objection.

The amendment was read, as follows:

Insert, in line 9, page 22, after the word "Montana," the following:

"Provided, That the Secretary of the Interior be authorized to use the unexpended balance of the appropriation for the Northern Cheyennes and Arapahoes for the years 1895 and 1896 for the purchase of cattle for the Tongue River Agency."

Mr. CANNON. Let us have that amendment reported again.

Mr. SHERMAN. The matter has just this minute been called to my attention, that there is an unexpended balance. I regret to say that in the letter from the Department they do not say how much it is, but the Department asks authority to expend this unexpended balance in this way.

Mr. CANNON. Let us have the amendment read again.

Mr. SHERMAN. I can not give a satisfactory statement in regard to the matter, because I am not fully informed about it myself.

The amendment was again read.

Mr. CANNON. Then I will reserve the point of order, just far enough to find out what it is.

Mr. SHERMAN. This treaty provides nothing about furnishing so much money, but provides for furnishing flour, meat, clothing, and so forth, to those Indians; and, of course, in making the appropriation for that the sum is sometimes too much and sometimes too small, as it depends entirely upon the market value of the various articles which must be purchased. It seems that some amount is now on hand of this fund, and the Secretary asks permission, rather than return it to the Treasury, to expend it in this way. How much it is I do not know. I have not the figures before me. I have just this minute got the information.

Mr. CANNON. I will have to make the point of order. The gentleman himself does not fully understand it. I was at a loss to know whether this expenditure was to be made through an appropriation under the treaty, and especially I wanted to know if it was to be in so much money and so much subsistence. Now, then, if the subsistence was bought for less than the amount appropriated, why there is no reason on earth that I can see why the balance should not go into the Treasury. Otherwise, it is a mere gift to the Indians.

Mr. SHERMAN. Nothing but that, at all.

Mr. CANNON. And without law.

Mr. SHERMAN. There is no doubt it is subject to the point of order, if the gentleman insists on it.

Mr. CANNON. I make the point of order against the amendment, then.

Mr. SHERMAN. There is no doubt that it is subject to the point of order, and the point is well taken, if the gentleman insists upon it.

The CHAIRMAN. The point of order is sustained.

Mr. HERMANN. Mr. Chairman, I ask for the consideration of the amendment I send up.

Amend by adding after the word "cents," in line 15, page 36, the following:

"That the Secretary of the Interior is hereby authorized and directed to retain and reserve a part of the interest money coming to the Indians on the Siletz Indian Reservation, in Oregon, not exceeding one-third of said interest for each year, and pay the same to the State and local authorities of the said State in lieu of taxation upon the lands allotted to said Indians, under such rules and regulations as he may prescribe, or as may be prescribed by law, to secure to the Indians the full enjoyment of the protection of the laws of said State and a just share of all benefits derived from said payment in lieu of taxes."

Mr. SHERMAN. Why, Mr. Chairman, I shall have to raise the point of order upon that, but will reserve it long enough to give my friend time to make a statement.

The CHAIRMAN. The gentleman from New York reserves the point of order on the amendment.

Mr. HERMANN. Mr. Chairman, it is not new legislation, nor does it change existing law, nor does it provide for an appropriation. It is merely in aid of existing law. It is for the purpose of making clear by a legislative interpretation the meaning of the law which now prevails as to the enforcement of a treaty entered into between the Siletz Indians and the Government of the United States on October 31, 1892. This treaty provided that one-third of the interest due the Indians upon the deferred payments on the purchase of their lands shall be set apart each year by the Secretary of the Interior and shall be paid to the State and local authorities of the State of Oregon in lieu of taxation upon the lands allotted to said Indians. That is the situation. Now, when the treaty was entered into, the words—

As soon as the lands which have been allotted to the Indians on said Siletz Indian Reservation shall become subject and liable to taxation by the State of Oregon—

Were inserted in the treaty. Then the treaty proceeds:

The Secretary of the Interior may reserve a part of said interest money, etc.

The idea was on the part of the commissioners that when these lands were allotted to the Indians, and certificates of allotments were issued to them by the commissioners and approved by the Secretary of the Interior, that then the lands would become subject to taxation. Now, under that impression these words were inserted in the treaty, and to add further strength to that presumption the treaty proceeds to provide—

That the Secretary of the Interior may reserve a part of said interest money so coming to said Indians, not exceeding one-third thereof for each year.

Now, at the end of twenty-five years after the allotment, when the fee of these lands will pass by patent from the Government of the United States to these Indians, there would be no longer any interest paid to these Indians; all the deferred payments will have been paid to the Indians and there will be no further obligation on the part of the United States for the payment of interest or to pay the same to the local authorities in lieu of taxation upon lands allotted to such Indians. After the expiration of twenty-five years, when the fee would pass from the Government of the United States to the Indians, the lands would then under the general laws become subject to assessment and local taxation; so that the entire treaty shows upon its face the undoubted presumption that it was the intention of the parties who entered into it to provide that one-third of the interest due the Indians should be paid by the Secretary to the State and local authorities in lieu of taxes. But inasmuch as the words somehow or other were inserted in the treaty—

When the lands shall become subject and liable to taxation by the State of Oregon—

They are defined to mean that the lands are not subject to taxation until after the period of twenty-five years. In the meanwhile these Indians are subject to all the responsibilities imposed upon all citizens, because by the general terms of the law they are all made citizens of the United States; they are entitled to vote;

they are entitled to all the usual privileges and immunities which all citizens of the country enjoy alike, and the local authorities respectfully certify to the Secretary of the Interior that they are no longer responsible for the care of those Indians under the law; that they can not extend to them the protection of the law, simply because the Indians themselves do not respond in proper taxation in return for the protection which is given them by the State and local authorities. Therefore, it is to cure that unfortunate condition of affairs that I now ask for the adoption of this amendment.

Mr. SHERMAN. Mr. Chairman, I must insist upon the point of order. It seems to me that there can be no question but that it should be sustained even upon the gentleman's own statement. He admits that what he proposes is a legislative interpretation of a treaty, and he desires by legislation to change the interpretation; which I imagine he can not do in an appropriation bill.

Mr. HERMANN. I suggest to my friend, as I know that he desires to treat this question fairly, that the treaty shows upon its face what the intention of the treaty-making parties was. Obviously it was the intention that one-third of this money should be held back by the Secretary and should be applied by the local authorities for the taxes due upon the land. Is there anything in the treaty which warrants the gentleman in disputing that interpretation?

Mr. SHERMAN. I hold, Mr. Chairman, that it is not our business to legislate in an appropriation bill as to what the provisions of a treaty mean. The treaty must speak for itself and the Secretary must interpret it, and we should not attempt to do so in an appropriation bill.

Mr. HERMANN. In answer to that I should say that the Secretary is in doubt with regard to his duty in the matter, because this particular clause of the treaty admits of two or three interpretations.

Mr. SHERMAN. I do not wish my friend to understand that I doubt the wisdom or propriety of what he suggests or anything of that kind. The point I make is that this is not a proper subject for legislation on an appropriation bill. The matter may be entirely proper, and it may be very desirable that there should be legislation such as he proposes, but it does seem to me that an appropriation bill is not the proper place for such legislation.

Mr. HERMANN. So long as the amendment is not obnoxious to the general rule against changing existing law on an appropriation bill, it occurs to me that it is not subject to the point of order.

Mr. SHERMAN. If it did not change existing law perhaps it would not be; but I think it does change existing law. It attempts to change the interpretation of this treaty.

Mr. HERMANN. I think it is in aid of the existing law, but I submit the matter to the Chair.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For support and civilization of Sioux of Devils Lake, N. Dak., including pay of employes, and for the purchase of seeds, \$10,000.

Mr. JOHNSON of North Dakota. Mr. Chairman, I desire to offer an amendment to this paragraph.

The amendment was read, as follows:

Page 40, strike out "\$10,000," in line 11, and insert "\$15,000; one-third of which shall be immediately available for the purchase of seed grain in the spring of 1896."

Mr. JOHNSON of North Dakota. In connection with this amendment, Mr. Chairman, I ask to have read by the Clerk a letter from the agent at the Devils Lake Agency, which I send to the desk.

The Clerk read as follows:

DEVILS LAKE AGENCY, Fort Totten, N. Dak., February 7, 1896.

Hon. N. M. JOHNSON, Washington, D. C.

DEAR SIR: I see by the papers that the Indian bill, as reported by the subcommittee, gives the Devils Lake Sioux Indians \$10,000. I am very thankful for this, but I was very much in hopes that it would be made \$15,000. If there is any band of Indians in the United States that need a large advance in their appropriation it is the Devils Lake Sioux.

I am very much pleased to report the success of these people during the past season, and which was only made possible by our efforts last winter, which resulted in the increase of their appropriation, a portion of which was made available for the purchase of seed during the spring of 1895, and from which they have raised upward of 65,000 bushels of wheat, 25,000 bushels of oats, and about as much barley.

This, of course, is a great help to them, but with the poor crops of the last few years they are in very poor circumstances still. Many of them who could had contracted debts in the past, thereby taking a good portion of their crops to pay them, and it is now a constant struggle with them to get along, even in a half-starved manner.

The subsistence we had to issue not being half enough for the old people, orphans, and those who have raised no crops, some ten or twelve farmers who had good prospects up to the middle of the season were entirely haled out, not having a vestige of anything left, having neither seed nor bread. These people can do nothing another year unless there is some way by which they can be furnished with seed the coming spring, and they must be assisted until they can raise something upon which to live. The harvesting machinery, plows, and harrows are nearly all worn out. It has taxed the farmers and other employees to the fullest extent the last season to keep them running and enable them to get along at all. Something must be done to alleviate these conditions or the Government can not expect much from them, and it can not be done on the small appropriations of the past.

It is a fact that since I have been in charge of this agency I have constantly

been asking for means with which to assist these people, and then only partially to do what is desired of them by the Government, and while the Department has been as liberal as possible with the appropriations at its disposal, yet had it been a half or even a third more each year, the result would have been 100 per cent better. The paltry sum of two or three thousand dollars is too insignificant, when considered with the additional amount of good it would do, if judiciously expended, to be refused by the Committee on Appropriations or to be rejected on its passage.

It is an unwise economy that appropriates so insignificant a sum as to be nonproductive of a fair per cent in return, when but a small sum added would increase it a hundredfold.

It is human nature, where hunger and suffering exist, to make large sacrifices to allay it; much more so is it among the Indians, in spite of all the preventive safeguards that can be thrown around them.

If these people had the proportionate means at their disposal that many other bands of Indians have, or had they sufficient tools and implements to work to reasonable advantage, and sufficient stock that the yearly increase would furnish their meat supply, I would not hesitate to say that appeals for their support would have an end.

The facts I have set forth being so well known to all to whom this shall be addressed, I would earnestly ask and urge each to join hands with the other in the endeavor to have the appropriation for the Devils Lake Sioux raised to \$15,000, and that \$5,000 be made available in the coming spring, believing it to be for the best interests of the Government as well as for a poor and dependent people.

Very respectfully,

RALPH HALL,
United States Indian Agent.

To the Honorable SECRETARY OF INTERIOR, COMMISSIONER OF INDIAN AFFAIRS, UNITED STATES SENATORS, and MEMBERS OF CONGRESS.

Mr. JOHNSON of North Dakota. I regret very much that I did not receive this letter in time to lay it before the Committee on Indian Affairs while the bill was under preparation, but I have done the best I could. I showed the letter to the chairman and he read it and received it very kindly, and I hope he will not object to this amendment, because he left on my mind the impression that he thought it was all right. I am sure that it is all right, and I believe this committee will take the same view. These Indians have within the last three years taken lands in severalty and have commenced farming, and they are doing very well considering all the circumstances. This is a matter that is easily understood. The amendment simply provides an additional \$5,000 for the purchase of seed grain for this coming spring, and I hope the committee will grant it.

Mr. SHERMAN. The gentleman from North Dakota, I think, must have misunderstood the cause of my delight on seeing that letter. [Laughter.] It was probably due to the fact that this additional appropriation was asked for the purchase of seed. I was fearful that the people living at that delightful summer resort called Devil's Lake might be asking for an additional appropriation for fuel, but it seems not. [Laughter.] A year ago, Mr. Chairman, it was suggested that these Indians were in a deplorable condition, and the appropriation of \$6,000 which had been made for the fiscal year 1895 was last year doubled, making it \$12,000, several thousand dollars of which were made immediately available for the purchase of seed and, as my friend from North Dakota says, was used so successfully by the Indians that they raised over 100,000 bushels of grain.

Now, it does seem to me that we having assisted these Indians last year to an amount unusual in recent years, having furnished them with money to buy seed with which they raised over 100,000 bushels of grain, they ought not, in all fairness, to come back to Congress this year and ask an additional appropriation for this purpose. If the fact exists that they have disposed of their crop and have not any seed left, I shall not object to an amendment if the gentleman from North Dakota desires to offer it, providing that a portion of the \$10,000 appropriated in this bill shall be made immediately available for the purchase of seed grain; but while I regret very much to oppose any amendment offered by the gentleman from North Dakota, because it would be a pleasure to be in favor of anything which he suggests, I can not in justice to the committee or to myself consent that this amendment be made increasing the appropriation \$5,000. I will, as already suggested, accept an amendment providing that some portion of the \$10,000 carried in the bill be made immediately available for this purpose, but I hope that the gentleman's proposition to increase the appropriation \$5,000 will not prevail.

The question being taken the amendment was rejected.

Mr. JOHNSON of North Dakota. Now, Mr. Chairman, I desire to offer the amendment suggested by the chairman of the Committee on Indian Affairs.

The amendment was read, as follows:

At the end of line 11, page 40, insert "of which sum \$4,000 shall be immediately available."

The amendment was adopted.

The Clerk read as follows:

For support and civilization of Sioux, Medawakanton band, in Minnesota, \$5,000.

Mr. KIEFER. I offer the amendment which I send to the desk. The Clerk read as follows:

Amend, after "dollars," on page 40, line 13, by the following: "Provided, That this sum of \$5,000, so appropriated for support and civilization of Sioux, Medawakanton Band, in Minnesota, shall be divided and paid in a manner so that each member shall receive an equal and like amount as every other member, share and share alike per capita, and the amounts shall be paid in money and not in merchandise."

Mr. SHERMAN. I reserve a point of order on this amendment.

Mr. KIEFER. Mr. Chairman, I wish to say that according to my information from that part of Minnesota where these Indians are, the merchandise distributed among them along the Minnesota and Mississippi rivers does not do them any good whatever. Instead of money with which they might meet their necessities, they receive, as I am informed, a few yards of calico, a few pounds of pork, some coffee and sugar, etc., nothing of a tangible character. All that they desire is that they shall receive their quota, share and share alike, in money, not in merchandise. They claim they can buy a great deal more of such articles as they, in their families, most need with their share when paid in money.

Mr. SHERMAN. Mr. Chairman, I believe that this amendment is subject to the point of order that it is new legislation. But apart from that, I doubt the propriety of the amendment. My understanding is that this band of Indians is a small band at any rate, and its members are somewhat scattered. It might not be possible for the Commissioner to carry out the provisions of the amendment. Hence, without regard to the point of order, I think the amendment ought not to prevail. But believing it to be liable to the point of order, that it is new legislation, I insist on that point.

Mr. KIEFER. One word more, Mr. Chairman, if you will allow me. When the officer of the Government passes along the line of the Mississippi and Minnesota rivers, where most of these people reside, distributing this merchandise, it is not in many cases what the Indians want. They claim that if the money were given to them in place of the merchandise they could buy a great deal more than they receive from the Government agents. Many of these Indians follow the occupations of the whites, and when paid in cash can help themselves in a manner not otherwise possible. The man appointed to purchase the merchandise and make the distribution is generally a new man who does not understand properly the wants of the Indians, and therefore a great deal of dissatisfaction is caused.

Mr. SHERMAN. I insist on my point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Washington: For general incidental expenses of the Indian service in Washington, including traveling expenses of agents at seven agencies, and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, \$14,000: *Provided*, That on and after the 1st day of December, 1896, next, the act or acts of the legislature of the State of Washington relative to the removal of the restrictions as to the sale of the allotted lands of the Puyallup Indians shall be, so far as the Congress and Government of the United States are concerned, in full force and effect.

Mr. SHERMAN. On behalf of the committee I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the pending paragraph the following:

"For continuing the work of the Puyallup Indian commission appointed under the act of March 3, 1893 (26 Stat., 612), until said 1st day of December, 1896, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees; and also that part of the agency tract exclusive of the burying ground not needed for school purposes, and for the purpose of defraying the expenses of said commission the sum of \$4,000, to be available until expended, and to be reimbursed to the United States out of the proceeds of the sale of the agency tract lands, as provided in said act."

Mr. DOOLITTLE. Mr. Chairman, I wish to say in relation to this particular amendment that, according to the statement of the Secretary of the Interior, about \$7,500 will, in his judgment, be required to continue the work of this commission. Three thousand five hundred dollars of this sum has been provided for in the urgent deficiency bill upon the report of the committee of conference on that bill; so that the \$4,000 proposed to be appropriated by the amendment will make up the \$7,500 required for this purpose. The statement which I made here the other day on this subject covered, I believe, the entire ground.

Mr. KYLE. Mr. Chairman, I observe that the proviso of the pending paragraph proposes to delegate to the State of Washington the power to change or supersede Federal statutes; and it proposes another innovation—that these Indians in the State of Washington shall be subject virtually to the laws of that State. This is an innovation upon the general policy with reference to the management of the Indians in the United States; and I think it improper. I therefore make the point of order upon this proviso on the ground that it is new legislation and not in order on an appropriation bill.

The CHAIRMAN. The point of order comes rather too late.

Mr. DOOLITTLE. Yes, Mr. Chairman; I insist that it comes too late.

Mr. KYLE. I was seeking the recognition of the Chair as soon as the paragraph was read.

The CHAIRMAN. If the gentleman rose for that purpose—

Mr. KYLE. I did, sir. I was on the floor when the chairman of the committee [Mr. SHERMAN] rose to offer his amendment.

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN] wish to be heard on the point of order?

Mr. SHERMAN. I yield to the gentleman from Washington [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, in relation to the point of order I wish to say this: In the first place, a treaty was, of course, made with these Indians; and afterwards a commission was sent out to treat with them. This resulted in an allotment of the lands. There was, of course, the usual supervision provided for. These Indians were not permitted to sell their lands during a period of twenty years unless with the consent of Congress. By an appropriation act passed during the Fifty-third Congress that time was cut down to ten years, which term, of course, is now running.

The whole subject has been left as the Indian appropriation bill of the Fifty-third Congress left it. Under the provisions of that act the commissioners were appointed; they went out and obtained the consent of the Indians for the sale of these lands—the allotted lands and the agency tract, as provided for in that bill. They have been proceeding, doubtless, up to the present time.

Now, then, the conveyance to the Indians by the United States provides that they shall not have the right to sell the lands without first obtaining the consent of Congress—that is, independently and of their own action. The legislature of the State of Washington, in pursuance of that provision, has passed an act—the first session of the State Legislature—so far as they could removing the restrictions from the sale of the land, but the whole thing depends upon the consent of Congress, and, as I stated, the whole matter remains as it was left by the appropriation bill to which I have referred.

I do not believe, Mr. Chairman, that the point of order is well taken. I do not believe that the existing law is changed under the provision inserted here, and I certainly hope, in the interests of justice to these people, and in the interest of all concerned, that the point of order will not prevail.

The CHAIRMAN. The Chair would inquire of the gentleman from Washington if he has a copy of the act of 1893 to which he refers?

Mr. DOOLITTLE. I have the act and will furnish it to the Chair.

Mr. PENDLETON. Mr. Chairman, I have the act before me, if the Chair desires to look at it.

In reference to the question now pending, I do not propose directly to discuss the point of order, but I do propose, with the consent of the Chair, to some extent to discuss the merits of the proposition as bearing upon the point of order.

Now, it seems that years and years ago the United States made a treaty with the Puyallup Indians and allotted their lands to them in severalty, and provided also that the lands should not be alienated for a period of twenty years. The Fifty-second Congress, by an act approved on March 3, 1893, provided for a commission to go out there and to sell what is known as the agency tract, by the consent of the Indians, which tract is now in the edge of the town of Tacoma, and also to sell such portions of each of the allotted tracts as they might obtain the consent of the Indians to sell. They assessed the agency tract, of 600 acres, at \$212,000; and in addition to that the Indians have left 18,000 acres of land, worth probably from fifty to one hundred dollars an acre.

Now, this commission has gone ahead and sold some of the lands and it has valued all of the agency lands. It seems to be rather an expensive experiment and it is thought desirable not to continue the commission longer than the 1st of December of this year or the 1st of January of next year. The law says that no such land shall be alienated for a period of ten years; but the gentleman from Washington comes in with a proposition that they shall be placed under the laws of the State of Washington, which means that they may be permitted to alienate and sell the lands at once or at any time. In other words, that an Indian may sell his land just like a white man.

Well, if the Indians out there are like the Indians in other places, and the white people out there are like white people in other places, the whites will soon have all of the land and the Indians will have neither lands nor money.

In the first place, it seems to me to be subject to the rule of order, inasmuch as it is evidently new legislation. It repeals the clause which forbids the Indians to alienate the lands for ten years and allows it to be done at once, and then it places the Indians under the laws of the State of Washington.

Now, the Congress of the United States can declare an Indian to be a citizen; but neither Congress nor the Supreme Court can make him capable of exercising the rights and duties of citizenship, and if it is done it is contrary to our Indian policy, contrary to our theory in reference to them, and removes the protection of the Federal Government by allowing the Indians to sell their lands as they please, the final result of which, and the rapid result, will be that they will have no lands at all and no money and must be supported by the Government of the United States.

Mr. DOOLITTLE. Mr. Chairman, I am exceedingly surprised at the remarks which have just been made by the gentleman from Texas, and especially by a member of the Committee on Indian

Affairs who voted on this proposition in the committee when it was pending there and by which it was put into this bill.

Mr. PENDLETON. Will the gentleman allow me a moment?

Mr. DOOLITTLE. No; I must decline to be interrupted. I can not conceive of such a change of mind. This matter has been repeatedly considered in the Committee of the Whole and as frequently explained to the members of the House.

Mr. PENDLETON. I only desire to say this—

Mr. DOOLITTLE. I prefer to proceed without interruption.

Mr. PENDLETON. Only to say that I voted against it in committee.

Mr. DOOLITTLE. And I did not expect a member of the committee to take that stand.

Now, the condition of these Indians has been stated over and over again in this House. They are citizens of the State of Washington; they are voters in that State, and are enjoying all the rights and privileges of citizens. It has been stated by the gentleman who just took his seat that if these lands were permitted to be sold the Indians would be deprived of the means of support and become a charge upon the Government of the United States. That statement, Mr. Chairman, is absolutely without foundation, and has no basis in fact. On the contrary, they are well able to care for themselves. They are thrifty citizens of my own State and my own Congressional district, and they are a portion of my constituents, and I am here to represent them on the floor of this House. They are educated and intelligent people, just as are the constituents who have supported my colleague on the committee who has just taken his seat, and are as capable of supporting themselves and transacting their own business in an intelligent manner as are his constituents.

So far as the point of order is concerned, the whole subject, as I stated at the outset, is left wholly under the provisions of the former appropriation bill, because that bill took the subject of that limitation out of the law (which provided for the limitation to which reference has been made) and cut it down to this length of time.

Now, the gentleman says that an unusual thing would be done here and in this instance if these Indians were left to the government of the State of Washington. Why, they enjoy their property rights, the right of liberty and the pursuit of happiness under the Constitution of the United States and that of the State of Washington. Every right they have is guaranteed to them under the laws of that State, and they are protected in the enjoyment of every privilege under the laws of that State. The law provides that these lands may be sold whenever the consent of the Congress of the United States is obtained. Congress has from time to time made these provisions, as I have stated, in appropriation bills.

Now, all I am asking here is that these people shall be treated as they are entitled to be treated in the legislation of this Congress. This matter has been up now three times, and I do not feel the subject has been treated as it should have been with relation to the Puyallups by this House in the former Congress. I came here with confidence this time, now that I have the support of the Committee on Indian Affairs, and without any protest, that the rights of these people would at last meet with just and proper recognition. There are only about 600 of them. Their reservation, as has been stated here, lies up against the limits of the city of Tacoma, and what I desire is that this commission business should at some time in the future be brought to a close. Why, there has been about \$40,000 already appropriated for the carrying on of the work of this commission, which is a sum greater than the reservation lands proper would at this time bring if they were put upon sale, and this commission is going on from day to day and from week to week and, as I said before, eating the very heart out of the values of these lands, because the appropriation bill which provided for the appointment of this commission also provided that the pay of these commissioners should be taken out of the proceeds of the sale of the Indian lands proper and the allotted lands.

Mr. Holman in the last Congress stated to his associates here on the floor that that was unjust and wrong, and that these people should not forever go on eating out the substance of these values by the eternal carrying on of this commission. Now, the Secretary of the Interior, as I stated the other day, told me that he believed that between now and the 1st day of next December all the work would be done that the commission could be expected to transact in behalf of the sale of these lands. That is the attitude of the proposition as it is here before the House; and it seems to me, Mr. Chairman, that any gentleman who wants to see right and justice prevail, as between man and man, between this Government and these Indians, should at once and without hesitation withdraw the point of order that he has made. Suppose this matter was at the very door of the gentleman's home, situated the way these people are. I should appeal to him then with confidence for his most cheerful cooperation. It is unjust and wrong that the point of order should be made here, it seems to me, with all due respect to the gentleman who made the point. I do not believe

that the point of order has any foundation to stand upon, and it seems to me I have every reason to expect under all the circumstances that the point of order will be overruled by the Chair.

Mr. KYLE and Mr. PENDLETON addressed the Chair.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. PENDLETON. Mr. Chairman, the gentleman from Washington [Mr. DOOLITTLE] will certainly do me the justice to acknowledge that as a member of his committee I voted against that proposition.

Mr. DOOLITTLE. Well, I do not know that. I supposed every member of the committee voted with me. There was no protest in the committee against the action of the committee.

Mr. PENDLETON. I certainly did not vote for it. Now, Mr. Chairman, this commission has been expensive, as the gentleman states. We all agree to that, and we are perfectly willing to terminate the commission and fix a date at which they shall cease to exercise their functions and when there shall be no further expense. But we can do that without placing these Indians and the Indian lands beyond the protection of the Federal Government.

The CHAIRMAN. The Chair thinks that the proviso in the bill clearly changes existing law, and therefore the Chair sustains the point of order.

Mr. DOOLITTLE. I desire to ask unanimous consent to recur to the amendment offered by the chairman of the committee, at a later time during the consideration of the bill.

Mr. SHERMAN. Unanimous consent will be asked to recur to this paragraph at a later period.

Mr. CANNON. I am perfectly willing to do that; but I want, in line 5 of page 43, to move to strike out the word "fourteen" and insert the word "five." I want to see if I understand about it. I will ask the gentleman.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

In line 5, page 43, strike out the word "fourteen" and insert the word "five."

Mr. CANNON. I am under the impression that this is a very valuable tract of land which these Indians have near the city of Tacoma. Am I correct about that?

Mr. DOOLITTLE. Yes.

Mr. CANNON. Now, there are less than 500 of these Indians all told, I believe?

Mr. DOOLITTLE. Something over 600, I suppose.

Mr. CANNON. So there are of them between 500 and 600 men, women, and children?

Mr. DOOLITTLE. This embraces both the Colville and the Puyallup Indians. Those Colvilles are 500 miles away from the others.

Mr. CANNON. Those residing on the Colville Agency are on the other side of the mountains?

Mr. DOOLITTLE. Yes.

Mr. CANNON. How much of this \$14,000 is for the Colvilles, and how much is for the Puyallups?

Mr. SHERMAN. Well, I will state about that in a moment.

Mr. HYDE. It is just a lump sum paid together.

Mr. SHERMAN. The Department divides it up in such a manner as it considers wise.

Mr. CANNON. Very well; there are 500 or 600 Puyallups; how many Colvilles?

Mr. HYDE. I think about 3,000.

Mr. CANNON. That is, men, women, and children?

Mr. HYDE. They are 500 miles away, I suppose, on the reservation.

Mr. CANNON. Is it a valuable reservation?

Mr. HYDE. It is rather valuable; a general law has been passed for opening the northern part and the allotment of the lands in severalty and to make provision for those Indians who do not desire to move to the southern part.

Mr. CANNON. Are they well off?

Mr. HYDE. They are wild Indians.

Mr. CANNON. Are they suffering?

Mr. HYDE. They are farming and all that sort of thing.

Mr. CANNON. Then they are not suffering for something to eat and to wear. What I want to get at is this; and I will now go back to the Puyallups: How much is there in that Puyallup Reservation?

Mr. DOOLITTLE. Eighteen thousand acres in the allotted lands and 650 acres on the reservation tract.

Mr. CANNON. Eighteen thousand acres besides 600 acres in the agency tract?

Mr. DOOLITTLE. Yes.

Mr. CANNON. About how much is it worth in value?

Mr. DOOLITTLE. I would not undertake to state.

Mr. CANNON. About \$50 an acre?

Mr. DOOLITTLE. A great deal of it would not bring over \$35 an acre to-day.

Mr. CANNON. Well, can not you give us the rate as to that portion of it that is platted, which is adjacent to the city? Is it fair to say that it is worth \$50 an acre?

Mr. DOOLITTLE. I do not think it would be fair to put that value upon it at the present time.

Mr. CANNON. What I object to is that here are two Indian tribes grouped together—the Colvilles and the Puyallups—500 miles apart and a lump appropriation made, not under any treaty, but a mere gift for the support and civilization of these two tribes of Indians. Now, I listened with great interest to the earnest remarks, and I have no doubt correct statement, of the gentleman from Washington about the Puyallups, namely, first, that allotments have been made to them in severalty; second, that they were citizens, and third, they are intelligent.

Now, I am perfectly willing to put them upon all fours with those we appropriate for that need assistance; but here we have them with 18,000 acres of valuable reservation in the addition to the city of Tacoma, and it does seem to me, as we are not bound under any treaty to give them one cent, and by this means we are taxing the whole people, a portion of whom are in worse condition than these Puyallups, I mean materially, so far as their property is concerned, it ought not to be necessary to give them support.

Mr. SHERMAN. Now, Mr. Chairman, if the gentleman from Illinois will permit me to interrupt him, I have the information right here.

Mr. CANNON. I would be glad to have it read.

Mr. SHERMAN. I find from a note in the Book of Estimates that it goes to several of the tribes in the State of Washington. To the Colvilles, \$5,550; Nisqually, \$5,500; Neah Bay, \$1,000; Yakama, \$1,000; S'Kokomish, \$1,000; Tulalip, \$1,000; and Quinaielt, \$1,000, and part to the Puyallups.

Mr. CANNON. Then, if the gentleman is satisfied from the manner in which this appropriation is made that no part of this gift is to those Indians that do not need it, why, of course, my criticism is ended.

Mr. SHERMAN. Yes.

Mr. CANNON. I have elicited the information I desired.

Mr. SHERMAN. I am glad that the gentleman has brought it out, because I desire that the committee should fully understand what it was.

Mr. CANNON. Now, if the gentleman is further satisfied that these Indians, to whom it goes under the policy of caring for the wards of the nation, are fully entitled to relief—

Mr. SHERMAN. I am.

Mr. CANNON. Then I withdraw the point of order.

The Clerk read as follows:

MISCELLANEOUS.

To pay balance due the commission appointed under act approved March 2, 1889, for per diem and expenses, as follows: Alfred M. Wilson, \$1,245; Warren G. Sayre, \$1,245; David M. Jerome, \$1,245, commissioners; and Charles S. King, secretary, \$702; in all, \$4,437.

Mr. CANNON. Mr. Chairman, I raise the point of order upon that paragraph, from line 16 to line 24, inclusive, on page 43. There is no estimate for it, first, and second, it is a mere claim, I submit.

Mr. SHERMAN. It is more than a claim.

Mr. CANNON. If it is more than a claim, then it has no place upon this bill, because under Rule XI, if I recollect the number right, all matters of deficiency go to another committee. If it is a claim, it has no status. So far as it is not authorized by law it has no status; and if it has any status it is a deficiency, and the deficiency bill, under the rules of the House, ought to carry it. In any event, it seems to be subject to the point of order. I made it in no captious spirit at all, but for the reason, if, as I suspect, it is a claim, it is a bad precedent; and if it were allowed to go on the bill we would be subject to criticism for refusing to put claims generally upon appropriation bills. If you do it in one instance, why, then, you should do it in another. We would be in the position of passing claims on appropriation bills. But from either standpoint, it seems to me, it is subject to the point of order.

Mr. SHERMAN. I will ask my colleague from Arkansas [Mr. LITTLE] to explain this provision, as the amendment was his, and he understands the matter more fully than I do.

Mr. LITTLE. I yield to my colleague [Mr. DINSMORE], who has the papers relating to the matter in his possession.

Mr. DINSMORE. Mr. Chairman, I will say to the committee with reference to this item that it is not a claim, as suggested by the gentleman from Illinois [Mr. CANNON], but is properly a deficiency. The amendment is to provide for the payment of the balance of compensation due to three commissioners appointed under the act of March 2, 1889, for the purpose of purchasing lands from the Indians. That commission was created by law to expire upon an order of dissolution to be made by the Secretary of the Interior whenever, in his judgment, there was no further necessity for the services of the commissioners. The order for dissolution was made, and the dissolution took place in November. The appro-

priation for the pay of the commissioners expired on the 16th of August prior thereto, but they continued in the service up to November.

Their compensation had been fixed by the Secretary of the Interior at the time the commission was created; they were paid at that rate up to August, and this item for the balance due them is estimated upon the same basis. That is all there is of the item. It is to pay these commissioners the balance of their compensation which has not been provided for by Congress, and it is calculated at the rate at which they were compensated during the period for which they were paid. This commission was organized under a law which provided that not more than two members of the commission should be of one political party, and was constituted with Mr. Jerome, of Indiana, and Governor Sayre, of Michigan, as the two Republicans, and Mr. Wilson, of Arkansas, as the Democrat. I have a letter from the Secretary of the Interior and the Commissioner of Indian Affairs corroborating the statements I have made and giving a history of the matter, and I should be glad to submit the letter to any gentleman who desires to see it. I hope the gentleman from Illinois [Mr. CANNON] will not insist on the point of order, because this is an eminently just item, in accordance with law, and based upon the precedent which has been established as to the compensation of these commissioners by an order of the Secretary of the Interior. I may add that the omission to make provision for this item in the last Congress was due to an oversight, not of the parties themselves, but to the failure of any member of Congress to bring it before the committee.

Mr. CANNON. How does the gentleman explain the fact that there is no estimate for this item?

Mr. STEELE. I can explain that if the gentleman will permit me. The members of the commission found in this matter that "what is everybody's business is nobody's business." They depended upon the treasurer of the commission to prepare an estimate for the amount, but the treasurer thought that the Indian Department would submit an estimate, so it was not done by either, and when application was made for the money with which to pay the commissioners it was found that no estimate had been made and that the fault lay with the treasurer of the commission. Now they come to Congress and make their claim, and the Secretary of the Interior has stated in my presence to the chairman of the Committee on Indian Affairs that it is a just claim and ought to be paid.

Mr. CANNON. If anybody here can state, in the absence of an estimate, that this money is really due to these men under the law for service performed, and that he has knowledge in the premises, I will withdraw my point of order.

Mr. SHERMAN. The Secretary of the Interior so stated to me in the presence of the gentleman from Indiana, Mr. STEELE.

Mr. DINSMORE. I have a letter from the Secretary which gives the date of the appointment of these commissioners and sets forth the facts in the case, and I should be pleased to read it.

Mr. CANNON. Let the gentleman put it in the RECORD.

Mr. DINSMORE. Well, I state that there is no doubt that these gentlemen rendered service under the orders of the Government up to November; that they did not receive compensation beyond the 16th of August preceding, and that this item provides only for the compensation that is due them from August up to the subsequent November, when the commission was dissolved.

Mr. CANNON. And that their services were necessary to close up the business of their commission?

Mr. DINSMORE. Well, I would not like to say of my personal knowledge that their services were necessary; but I say this, that they were appointed under the law, and that on the 16th of August, when their compensation ceased, their services had not ended, but that they went on thereafter in discharge of their duties and made their report to the Interior Department, and that the commission was dissolved in the ensuing November, and at all times during the interim were subject to the orders of the Secretary of the Interior.

Mr. CANNON. Suppose you put that letter of the Secretary in the RECORD.

Mr. DINSMORE. I will insert in the RECORD the letter to Mr. Wilson advising him of his appointment and the letter of the Commissioner of Indian Affairs giving the facts. The Secretary's letter to me merely transmits the letter of Commissioner Browning.

They are as follows:

DEPARTMENT OF THE INTERIOR,

Washington, March 30, 1889.

SIR: The President having appointed you one of the commissioners provided for by the fourteenth section of the Indian appropriation act of March 2, 1889, "to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands," you will please report in person to the Department in order that you may receive the necessary instructions for conducting the negotiations provided for.

It is important that the commission enter upon its duties as early as practicable.

Each of the commissioners will be allowed his railroad fare and transpor-

tation expenses and \$5 per diem during the time of actual service in lieu of all other personal expenses and will be allowed a compensation at the rate of \$10 per diem during the time of his actual service.

Very respectfully,

Hon. ALFRED M. WILSON,
Fayetteville, Ark.

Hon. George D. Robinson, of Chicopee, Mass., has been by the President designated chairman.

JOHN W. NOBLE, Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 31, 1896.

SIR: I am in receipt of a memorandum, without date, from Hon. HUGH A. DINSMORE, inclosing a letter to him from Mr. A. M. Wilson, a member of the late Cherokee commission, so called, and asking for information as follows:

- First. As to the order fixing the compensation of the commissioners.
- Second. As to when the commission was dissolved.
- Third. As to when payment was stopped.
- Fourth. As to when the last report from the commission was filed.

In reply I have the honor to state:

First. That there is no record in this office touching any order from the Secretary of the Interior or the President, fixing the compensation of said commission. I am informally advised, however, that the compensation was fixed at \$10 per diem, and \$5 per diem in lieu of all personal expenses, and, in addition, to railroad transportation, by the Secretary of the Interior, in a letter of March 30, 1889, to Otis Humphries, which is of record in the Indian division of the office of the Secretary of the Interior.

Second. The records of this office show that the commission was dissolved by order of the Secretary of the Interior dated November 7, 1893, as follows: "Upon your recommendation of the 3d instant, by direction of the President, the commission to negotiate with the Cherokees and other Indians for the cession to the United States of certain lands, as provided in section 14 of the act of Congress approved March 2, 1889, the membership thereof being David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, is hereby dissolved."

By letters of November 15, 1893, this order of dissolution was transmitted by me to the various members of the commission.

Third. It appears from the records of this office that the commissioners were paid to and including the 16th day of August, 1893.

Fourth. It also appears from the records of this office that the last report of the commissioners was dated August 21, 1893.

I have the honor to inclose Mr. DINSMORE'S memorandum, with inclosures, and recommend that the information herein contained as to the order fixing the pay of the commission be verified from the records of the Department, and that Mr. DINSMORE be furnished with a copy thereof, which is inclosed.

Very respectfully, your obedient servant,

D. M. BROWNING, Commissioner.

The Honorable the SECRETARY OF THE INTERIOR.

Mr. STEELE. I have the letter, and will see that it is inserted in the RECORD.

Mr. STEELE subsequently said: In my remarks upon one of the items of this bill a while ago I stated that I would insert in the RECORD a letter which I had in my desk. In looking for that letter I find it has been misplaced; but I have telephoned to the Secretary of the Interior, whose secretary promises me that a copy of the letter shall be sent to my hotel this evening. If I receive it there I will publish it with my remarks. I make this statement in justice to myself.

DEPARTMENT OF THE INTERIOR,
Washington, September 5, 1891.

SIR: My attention has been called to certain suspensions in the accounts of Mr. C. S. King, disbursing officer of the Cherokee commission, on account of services claimed by said commission and its secretary and disbursing officer while not in the field.

By Department letters of March 30, 1889, addressed to Hon. Alfred M. Wilson of the said commission, and to the other commissioners then in the service, the compensation of the commissioners was fixed as follows:

"Each of the commissioners will be allowed his railroad fare and transportation expenses, and \$5 per diem during the time of actual service, in lieu of all other personal expenses, and will be allowed a compensation at the rate of \$10 per diem during the time of his actual services."

In view of the statement made to me that the commission, as it now exists, gives its whole time to the duty required by law of it, I am of the opinion that the services of the commissioners and the secretary and disbursing officer of said commission are continuous from the dates of their several appointments and that they are entitled to their compensation and per diem for each and every day while in the service, and I direct the settlement of their accounts upon this basis.

The affidavit required by regulations to cover traveling and incidental expenses of this commission and its secretary and other commissions appointed by the President or the Secretary of the Interior for extraordinary service will not be required; such claims will be allowed upon the certificate on honor as to the correctness of same.

Authority is also granted the disbursing officer of this commission to pay employees on vouchers instead of quarterly pay rolls, these vouchers to be approved by the commissioners and certified to on honor by the disbursing officer as to the correctness of the same.

The commissioners will be allowed to choose the routes of travel as best adapted to the proper conduct of their business, and their traveling expenses should be settled upon their certificate that such expenses are or were for the best interests of the service. Their absence for so much of the time from places where oaths in due form can be administered is deemed sufficient reason for these exceptions.

A copy of this communication has been furnished to the chairman of the Cherokee commission.

Very respectfully,

JOHN W. NOBLE, Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Washington, May 24, 1890.

Mr. CHARLES S. KING, of Guthrie, Okla.

DEAR SIR: You are hereby appointed and designated to act and serve as secretary and special disbursing agent of the commission appointed by the President under the fourteenth section of the Indian appropriation act of March 2, 1889, "to negotiate with the Cherokee Indians and with other Indians

owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands," and as such you will be paid a compensation of \$9 while actually employed, which shall include your subsistence expenses, but you will be allowed your railroad fare and other transportation expenses in addition to your compensation.

The CHAIRMAN. Is the point of order withdrawn?

Mr. CANNON. Yes, sir.

Mr. DOOLITTLE. I renew the point of order, Mr. Chairman.

Mr. DINSMORE. I hope my friend will not insist upon the point of order. This amendment is evidently just.

Mr. DOOLITTLE. I withdraw the point.

Mr. BROWN. I offer the amendment which I send to the desk. The amendment was read, as follows:

Insert in line 24, page 43, the following:

"That the sum of \$8,647, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury or hereafter to come into the Treasury to the credit of the Eastern Band of Cherokee Indians, not otherwise appropriated, for the purpose of paying the services and expenses of former delegates of said Eastern Band of Cherokee Indians who have visited Washington on the business of the band, and to pay the debts of the band: *Provided*, That no portion of said appropriation shall be paid for the debts of said band or expenses of delegates until the Commissioner of Indian Affairs and the Secretary of the Interior have approved of the same."

Mr. SHERMAN. Mr. Chairman, I will reserve the point of order on that amendment until I hear something more about it. I have not yet even ascertained who offers it.

Mr. BROWN. I have offered the amendment, Mr. Chairman. The facts in regard to the matter are these: Some time prior to the year 1885 the Eastern band of Cherokee Indians became indebted to certain parties living within the boundary of their tribe for expenses incurred on account of delegates coming to Washington to attend to business of the band and for certain other matters. Now, by the act of March 3, 1885, Congress appropriated out of the money of this band of Indians \$4,000 to go toward the discharge of this indebtedness. The money was not to be paid, however, until it had been ascertained by the Secretary of the Interior that these debts were just and bona fide claims against the band. On investigation it was found that these debts, instead of amounting to \$4,000, amounted to over \$12,000; so a certain pro rata or percentage was paid on each claim against the band. This amendment proposes simply to appropriate out of any money in the Treasury of the United States belonging to this band money enough to discharge the balance of the indebtedness.

I have here a letter of the Commissioner of Indian Affairs, in which the facts as I have given them are stated; and I have also a letter of Mr. Julius L. Holmes, United States Indian agent, making a similar statement of facts, and saying that these debts are honest and bona fide claims against the band and ought to be paid.

Besides, the amendment itself expressly provides that no part of the money shall be paid out until the indebtedness claimed has been passed upon by the Secretary of the Interior and the Commissioner of Indian Affairs. The amendment appropriates no money out of the Treasury belonging to the Government; it simply appropriates out of money now or hereafter in the Treasury belonging to this band and not otherwise appropriated \$8,000, to pay this balance of indebtedness when it is ascertained to be just.

Mr. PEARSON. I wish to inquire how and for what these debts were originally incurred?

Mr. BROWN. Most of the indebtedness was, I think, as the act of 1885 says, on account of the expenses of delegates of the Eastern band of Cherokees who visited the city of Washington on business of the band, and also to pay the debts of the band.

Mr. PEARSON. Does the gentleman state that there was an indebtedness of \$12,000 on account of certain commissioners or delegates coming from North Carolina to Washington?

Mr. BROWN. I do not know how much of the \$12,000 was on account of the expenses of the delegates of that band who visited Washington, but I say that a portion of the indebtedness was on account of such expenses. As to the other part of the indebtedness, I am not prepared to say on what account it was contracted.

Let me repeat, the amendment itself provides that no part of this money shall be paid until the Secretary of the Interior and the Commissioner of Indian Affairs have approved the claim—until those officers have ascertained that the money is due. As a matter of fact, this indebtedness has already been passed on by the Secretary of the Interior; and the Commissioner of Indian Affairs, in his letter to me, says that the indebtedness is just and bona fide and ought to be paid.

Mr. PEARSON. Just one question further: Does the Eastern band of Cherokees recognize this indebtedness and wish this amount to be paid?

Mr. BROWN. In a letter dated July 24, 1885, Mr. Julius L. Holmes, United States Indian agent, says:

All the accounts included in class 1—

That is the indebtedness I have been speaking of—

are just and correct, having been approved by the band in council assembled.

Mr. SHERMAN. I think the amendment is amenable to the point of order, and I insist upon it.

The CHAIRMAN. The point of order is sustained.

The Clerk, resuming the reading of the bill, read down to the following paragraph:

That the Secretary of the Interior be, and he hereby is, authorized and directed to purchase the title of the Ogden Land Company, so called, to the lands within the Allegany and Cattaraugus Indian reservations in the State of New York, at the rate of \$5 per acre, for which purpose a sufficient sum be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, payment to be made to said company or its legal representative upon the execution of a proper deed or deeds of conveyance to the United States of all right, title, and interest of said company in and to the lands aforesaid.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the paragraph which the Clerk has now reached, in regard to the Ogden Land Company, be passed over temporarily. It relates to a matter in the district of my colleague [Mr. HOOKER], who has been out of the city, and who, returning, has been delayed on the railroad.

Mr. PITNEY. I wish to make a point of order on this paragraph. If the paragraph be reserved, let it be understood that my point of order is pending.

Mr. SHERMAN. Oh, certainly.

The CHAIRMAN. Unanimous consent is asked that the first paragraph on page 45 of the bill be passed over temporarily with a point of order reserved by the gentleman from New Jersey [Mr. PITNEY]. Is there objection? The Chair hears none.

Mr. SHERMAN. I move to amend by inserting, after line 11, on page 45, the paragraph which I send to the desk.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized and directed to reimburse, upon the presentation of proper evidence, out of any unexpended balance of the appropriation for the support of Sioux of different tribes, including Santee Sioux of Nebraska, for the fiscal year ending June 30, 1896, the Rev. E. Ashley, of Cheyenne River Agency, S. Dak., for money expended by him in the employment of counsel to defend seven Indian policemen of said agency charged with the crime of murder: *Provided*, That not more than \$700 be used for this purpose.

Mr. SHERMAN. Unless some member desires an explanation of the amendment, I will not occupy time upon it. [Cries of "Vote!" "Vote!"]

The amendment was agreed to.

The Clerk read as follows:

To pay the expense of the preparation of a digest, under the direction of the Commissioner of Indian Affairs, of the decisions of the courts and the Interior Department, and the opinions of the Attorney-General relating to Indian affairs, \$3,000.

Mr. PICKLER. I move, pro forma, to amend by striking out the last word. I wish to inquire of the chairman of the committee by whom this digest is to be prepared.

Mr. SHERMAN. It is to be prepared in the Indian Office, under the authority of the Commissioner of Indian Affairs.

Mr. PICKLER. Can he do this work with the force that he has?

Mr. SHERMAN. So he says. It will be done in some shape or other. I do not know exactly how.

Mr. PICKLER. I did not know whether it was intended to employ a special officer upon this work.

Mr. SHERMAN. If I remember correctly the statement made to me, some gentleman now in the Indian Office has been at work upon this compilation outside of office hours for some time; and, if I recollect aright, has expended a considerable sum of money—I think it was stated as \$2,000—in the purchase of special books necessary in the compilation of this digest. The work thus far has all been done outside of office hours, and it will be so done hereafter.

Mr. PICKLER. The work will be done under the direction of the Commissioner?

Mr. SHERMAN. Yes, sir.

Mr. PICKLER. I withdraw the pro forma amendment.

The Clerk read as follows:

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, \$20,000.

Mr. TAWNEY. Mr. Chairman, I offer an amendment to follow at the end of line 25, on this page.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Amend by inserting at the end of line 25, page 45, as follows:

"To reimburse George T. Simpson and Louis Shaw for money expended by them in the survey of the Grand Portage Indian Reservation, in the State of Minnesota, the sum of \$900."

Mr. SHERMAN. Mr. Chairman, I desire to reserve the point of order until the gentleman from Minnesota has been heard, if he wishes to be heard, upon the amendment.

Mr. TAWNEY. Mr. Chairman, the amendment which I have just offered appropriates the same amount as is contemplated by the bill which the Committee on Indian Affairs has already considered and reported favorably within the last week.

I ask now that it be made a part of the pending bill at this time, for the reason that the money has been due to these men for some time, having been expended by them, and should be paid, and paid promptly.

If the chairman of the committee desires any further statement in regard to the merits of the claim, I will be glad to make it. I would say that a large part of it has been favorably passed upon by the surveyor-general of our State, also by the Secretary of the Interior, by the Commissioner of the General Land Office, by the Commissioner of Indian Affairs, and by the Second Auditor of the Treasury. It was rejected by the Second Comptroller of the Treasury for the reason that the amount claimed is due under a supplemental contract—that is to say, a contract made subsequent to the original contract for surveying the reservation—and the Second Comptroller held that the heads of the Departments could not, by a subsequent agreement, change the obligation of the Government as specified in the original contract, and for that reason he rejected the claim.

But I would like to read, from a statement in his letter rejecting the claim, these words:

In the consideration of this case this office does not undertake to say, nor is its action to be understood as deciding, that the services rendered by these contractors were not reasonably worth all that is claimed. The question of what is the reasonable value of the services rendered has not been considered.

He then goes on to say that the services were rendered and that it seems to be a proper question for the consideration of the legislative power, for he says:

The remedy does not appear to lie with the accounting officers of the Government.

Now, Mr. Chairman, the amount specified in the original contract was found to be inadequate to pay the amount necessarily expended in making the survey. These contractors were driven out of the reservation on account of the plague of flies and insects, which became so annoying during the time this work was in progress that no man could possibly remain on the reservation, and therefore they were compelled to temporarily abandon the work. They went back in the fall, but owing to the peculiar topographical conditions and other obstacles which neither party to the contract could foresee, it was impossible for them to continue the work on the terms of the original contract, and they were about to abandon the contract entirely when the surveyor-general, acting in behalf of the Government, after a thorough and careful investigation of the facts, found that the work could not be done by anybody for the contract price, and he recommended an increase of the compensation fixed by the contract. The recommendation of the surveyor-general was approved by the Department of the Interior, and the approval was communicated to the contractors, who, on the strength of the promises made to them of an increase of the allowance for the work to be done, went back on the reservation and completed it. Their work was approved by Government officials.

The amendment simply proposes to pay them the amount actually expended in doing this work; they get nothing whatever for their services. I have here the verified statement of the parties showing in detail the amount actually expended, which was presented to the Committee on Indian Affairs, and which was carefully considered by that committee and on which they based the approval of the bill favorably reported.

I hope the gentleman, therefore, will withdraw the point of order, inasmuch as the work has been done, and faithfully done, and also in view of the action of the Committee on Indian Affairs in regard to it.

Mr. SHERMAN. Mr. Chairman, after the gentleman's statement, and in view of the fact which he has last stated, I will not insist upon the point of order.

Mr. CANNON. For just a moment I will renew the point of order. This is a claim, pure and simple.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. I should like the gentleman to first state the grounds of his objection.

Mr. CANNON. My objection is this—and I make it with great hesitation—that this is a claim, pure and simple, and that the Committee on Indian Affairs never rightfully had jurisdiction of it. It is like a hundred thousand other claims. It is most ungracious to make points of order on them. There are not sixty minutes of any day but what I have to say, when gentlemen coming to me wanting this, that, and the other thing put into appropriation bills, that claims can not go on general appropriation bills.

Mr. TAWNEY. I will say that this is a claim authorized by the Commissioner of Indian Affairs. It was incurred in making a survey of an Indian reservation, and if the Committee on Indian Affairs is not the proper committee and does not have jurisdiction it is difficult to tell where it should go.

Mr. CANNON. I have no doubt it is a just claim, from what the gentleman says.

Mr. TAWNEY. It has been approved by a committee of this House after the most careful consideration.

Mr. CANNON. There are hundreds and thousands of other just claims. I am only objecting to making a general appropriation bill a claim bill.

Mr. TAWNEY. It is not proposed to make the Indian appropriation bill a claim bill. I hope the gentleman will withdraw his point of order.

Mr. CANNON. Well, Mr. Chairman—
The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois.

Mr. TAWNEY. I thought the gentleman was going to withdraw the point.

Mr. CANNON. Even though it appears to be ungracious, I must insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.
The Clerk, proceeding with the reading of the bill, read as follows:

For survey and subdivision of the Colville Indian Reservation in the State of Washington, and of lands to be allotted to the Indians thereon, \$10,000, to be immediately available from the proceeds of lands of said reservation when sold.

Mr. SHERMAN. Mr. Chairman, in line 4 of page 46, after the word "available," there is a misprint. The words "and to be reimbursable" should be inserted there.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.
The Clerk, proceeding with the reading of the bill, read as follows:

To enable the Secretary of the Interior, in his discretion, to negotiate with any Indians for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress, \$5,000.

Mr. ALLEN of Utah. Mr. Chairman, I raise a point of order against this paragraph, that it is new legislation. There is no statute which authorizes the Secretary of the Interior to negotiate with any Indians for the surrender of all or any portion of their lands, and this, if enacted into law, would give him that power.

Mr. SHERMAN. Mr. Chairman, I can not contend that the point of order is not well taken, but I hope the gentleman will not insist upon it. I think the provision is a wise and just one, and for the betterment of the service. I trust the gentleman will not insist upon the point of order. Of course I must admit, if he insists upon it, that the point of order is well taken, but I hope that he will not insist upon it.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. ALLEN of Utah. Mr. Chairman, I shall have to insist upon it.

The CHAIRMAN. The point of order is well taken.
The Clerk, proceeding with the reading of the bill, read as follows:

That the Secretary of the Interior Department be, and he is hereby, authorized and directed to adjust, settle, and pay, upon the presentation of sworn and competent evidence, out of any unexpended balance of the appropriations for the support of the Indian school at Genoa, Nebr., for the fiscal years 1894, 1895, and 1896, the claims of all persons, firms, and corporations who furnished goods and supplies for the Indian Industrial School at Genoa, Nebr., during the incumbency of Horace R. Chase, superintendent of said school, which have not already been allowed and adjusted: *Provided*, That the sum so expended shall not exceed the sum of \$8,000.

Mr. CANNON. Mr. Chairman, to that paragraph I submit the point of order that it is an appropriation not authorized by law, and is legislation.

Mr. MEIKLEJOHN. Mr. Chairman, the Indian industrial school situated at Genoa, Nebr., is in the county in which I reside. The paragraph just read does not provide for an appropriation of any kind, but provides that any unexpended balance of appropriations in 1894, 1895, or 1896 may be applied in the payment of claims for supplies furnished this institution in 1888, 1889, and 1890. During the incumbency of one Horace R. Chase, superintendent of this institution, these supplies were furnished, and by reason of a misappropriation of funds by the superintendent of this college the claimants have never been paid. The paragraph provides that any unexpended balance of these years, not exceeding in amount \$8,000, may be applied to pay claimants who furnished supplies for this Indian school. Mr. Chairman, I ask at this time to have the Clerk read the names and amounts of the claims for supplies furnished to this institution in 1888, 1889, and 1890, and for which the unexpended balance of appropriations already made are asked to be applied in liquidation.

The Clerk read as follows:

Claims for sundry supplies furnished the Indian industrial school, Genoa, Nebr., in 1888, 1889, and 1890, during the incumbency of Horace R. Chase, superintendent, with action thereon by the Auditor of the Interior Department.

Claimant.	Amount.	Amount allowed.	Amount disallowed.
A. Spear & Co.....	\$640.29		\$640.29
Thos. Sexton & Co.....	24.70		24.70
Osborne & Bros.....	895.10		895.10
John Hughes.....	66.75		66.75
Geo. M. Baer.....	19.70		19.70
Chas. Miller.....	29.00		29.00
Pacific Lumber Co.....	812.29		812.29
Nelse J. Skoog.....	400.31		400.31
McFayden & Co.....	301.12		301.12
A. B. Ramey & Son.....	101.67		101.67
Fairchild & Co.....	68.15	\$21.00	47.15
J. H. Haber.....	17.40		17.40
H. E. Adams.....	8.50		8.50
H. E. Bragg & Co.....	199.20	1.75	199.20
William Ames.....	270.27		270.27
Jno. M. Travis.....	8.75		8.75
A. Nebinger & Co.....	55.04		55.04
Gideon Wheeler.....	284.04		284.04
Andrew Netzell.....	232.06		232.06
L. L. Green.....	355.87		355.87
O. E. Green.....	3,240.15		3,240.15
Total.....			8,037.61

Mr. MEIKLEJOHN. Mr. Chairman, the superintendent of this institution was discharged, arrested, convicted of misappropriation of funds, and thereby his vouchers and evidence for these claimants in the respective Departments were discredited. The paragraph which I ask to have adopted in this bill provides that they may be allowed to file their claims with the Secretary of the Interior, introduce their evidence and proof, and if anything is found due them, that the amount so found due may be paid them from the unexpended balance of the appropriation made for the years 1894, 1895, and 1896 for this institution.

I have before me here a report from the Comptroller and Auditor of the Treasury Department, in which they state, by reason of the conduct of this superintendent and the condition of his accounts, it was impossible for them on the evidence they have before them to audit these accounts. This will allow the claimants to file their claims with the Secretary of the Interior and, upon competent proof, if any amount be found due it shall be paid from the unexpended balance of the appropriation already made for this institution. I think the point of order made by the gentleman from Illinois, under this explanation of the condition of these claimants for supplies furnished this institution, ought not to be insisted upon.

The CHAIRMAN. The Chair sustains the point of order.
Mr. MEIKLEJOHN. May I inquire of the Chair upon what ground the point of order is sustained?

The CHAIRMAN. The point of order is sustained on the general statement. It seems to be a series of claims against the Government, and has no place on an appropriation bill, but goes to the Committee on Claims. It refers to claims dating back as far as 1889, while this is an appropriation bill for the fiscal year ending June, 1897.

Mr. MEIKLEJOHN. Is it understood by the Chair that these claims are still pending in the Treasury Department unadjusted and have been so pending since they were filed in 1888, 1889, and 1890?

The CHAIRMAN. Besides all that, the paragraph provides how the Secretary of the Interior shall adjust and settle the claims. This is a matter of appropriation for the Indian service. So that, on all grounds, the paragraph is out of order.

Mr. MEIKLEJOHN. I hope the gentleman from Illinois, in view of the statement I have made and as this paragraph makes no appropriation, will withdraw his point of order.

Mr. CANNON. I will say to the gentleman that I have already had to insist in several cases, and there are several more to follow.

Mr. MEIKLEJOHN. But does the gentleman from Illinois make the distinction that there is no appropriation involved in this paragraph, and that these claims are now pending in the Treasury Department? I hope the gentleman from Illinois will yield to me on those grounds.

Mr. CANNON. I am exceedingly sorry, but if I do so I will have to abandon making points of order on all claims.

Mr. MEIKLEJOHN. Does the gentleman know that this asks for no appropriation?

Mr. CANNON. I understand it thoroughly.

Mr. MEIKLEJOHN. I ask that this paragraph be passed for the time being with the consent of the chairman of the committee.

Mr. CANNON. What is the use of passing it?
Mr. SHERMAN. I certainly will gladly consent to it.

Mr. MEIKLEJOHN. Will the gentleman from Illinois consent to have it passed over for the present?

Mr. CANNON. If the point of order can be considered as pending, yes. I can see no object in having it passed, however. I will consent, I say, with the point of order pending. If the gentleman desires to have it passed, I have no objection.

Mr. MEIKLEJOHN. That will be satisfactory.

The CHAIRMAN. The Chair has already decided the point of order.

Mr. CANNON. Unanimous consent is asked that the point of order against the paragraph be reserved.

Mr. MEIKLEJOHN. That will be satisfactory.

The CHAIRMAN. Unanimous consent is asked that this paragraph be passed over, the point of order being reserved.

Mr. CANNON. I can see no good that would come from that. I guess we had better proceed with the bill.

The CHAIRMAN. Objection is made.

Mr. MEIKLEJOHN. The gentleman says that he will accede to that request.

The CHAIRMAN. The gentleman now says he can see no good in it.

Mr. CANNON. The only objection is that when it is reached again it might happen that I was not in the House. Now, then, I can not allow that to happen unless I should be dead.

Mr. MEIKLEJOHN. I will state to the gentleman that I will not take up this paragraph in his absence.

Mr. CANNON. What is the object in passing it over?

Mr. MEIKLEJOHN. I am inclined to think if you had more complete information on the matters involved you might be disposed not to insist on the point of order. [Laughter.]

Mr. CANNON. Mr. Chairman, I fully understand the whole of it, and I will have to object.

The CHAIRMAN. The gentleman from Illinois objects, and the point of order is sustained.

Mr. SHERMAN. Mr. Chairman, I now suggest that we return to page 43, which was temporarily passed over by unanimous consent, so that the gentleman from Washington may offer an amendment.

Mr. DOOLITTLE. I offer an amendment, which I desire to have read.

The amendment was read, as follows:

In line 5, page 43, after the word "dollars," insert the following:

"Provided, That the consent of Congress of the United States is hereby given and granted to the removal of the restrictions now existing against the sale of the allotted lands of said Puyallup Indians in the State of Washington; and this provision shall take effect on the 1st day of December, 1896. And for continuing the work of the Puyallup Indian commission appointed under the act of March 3, 1895 (26 Statutes at Large, 612), until said 1st day of December, 1896, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees; and also that part of the agency tract, exclusive of the burying ground, not needed for school purposes, and for the purpose of defraying the expenses of said commission, the sum of \$4,000 is hereby appropriated to be available until expended, and to be reimbursed to the United States out of the proceeds of the sale of the agency tract lands, as provided in said act."

Mr. DOOLITTLE. I understand, Mr. Chairman, that the point of order is withdrawn.

Mr. SAYERS. I renew the point of order. I am informed that this is not an amendment that ought to go upon this bill.

Mr. DOOLITTLE. On what ground does the gentleman renew the point of order?

Mr. SAYERS. Simply on the ground that I have been informed that this legislation ought not to go upon the bill.

Mr. DOOLITTLE. You were for it in conference, with this same provision.

Mr. SAYERS. On the contrary, I was not.

Mr. DOOLITTLE. It had the same provision.

Mr. SAYERS. But I was not for it in conference.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay George Wright for services as interpreter for the Osage Nation of Indians from January 1, 1863, to September 30, 1865, as provided by section 2070 of the United States Revised Statutes, \$550.

Mr. CANNON. Mr. Chairman, I make the point of order that that is a mere claim and has no place on a general appropriation bill.

Mr. SHERMAN. Mr. Chairman, I shall have to express my hope once more that my friend will not insist on the point of order, though I suppose I must concede it is well taken. The facts are that this Mr. Wright did perform these services, the compensation for which is fixed by the Revised Statutes, and he has not received the full compensation due him. There is no question under the sun but that he is entitled to this money. He can recover it in the Court of Claims, and I suppose that my friend from Illinois would not hesitate to put this provision into a deficiency bill. As there is no doubt about the justice of the claim, and inasmuch as it is in connection with the Indian service and the committee have examined the matter and know that the money is due, I trust the gentleman will not insist on the point of order.

Mr. CANNON. I observe that it dates back to 1863 and if I make the point of order on any of these claims I certainly must insist upon it in this case.

The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

Also that the Secretary of the Interior be, and he is hereby, directed to adjust, settle, and pay upon the presentation of sworn and competent evidence, out of any unexpended balance of the appropriation for the support of Indian day and industrial schools for the fiscal years 1895 and 1896, H. Phillips, the teacher of Puyallup Indian school, a sum not to exceed \$314, on account of the loss of his personal property and effects by fire in the buildings of said Indian school in the month of March, 1895, and while assisting in saving Government property belonging to said school.

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

Mr. SHERMAN. Mr. Chairman, this requires no appropriation. The fact is that this gentleman lost his property in a more or less successful attempt to save Government property, and as we can pay him without taking it out of the Treasury of the United States, and as he sustained his loss under these peculiar circumstances, I am sure that the lenient heart of my honored friend from Illinois must yield in this instance. [Laughter.]

Mr. CANNON. If the gentleman will put in a clause providing that no part of this money shall come out of the Treasury of the United States I will withdraw the point of order.

Mr. SHERMAN. Well, I suppose it will come out of the Treasury, but it does not require a specific appropriation out of the general fund.

Mr. CANNON. I must insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That all children born of a marriage between a white man and an Indian woman shall have the same rights and privileges to the property and annuities of the tribe to which the mother belongs, by blood, as any other member of the tribe; and no prior act of Congress shall be so construed as to debar such child of such right: *Provided*, That nothing herein shall conflict with the provisions of existing treaties.

Mr. McCALL of Massachusetts. Mr. Chairman, I make the point of order on this paragraph that it changes existing law and practically repeals the act of August 9, 1888.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to be heard on the point of order. I send to the Clerk's desk and ask to have read the law which it is claimed this provision changes.

The Clerk read as follows:

Be it enacted, etc., That no white man, not otherwise a member of any tribe of Indians, who may hereafter marry an Indian woman, member of any Indian tribe in the United States, or any of its Territories, except the Five Civilized Tribes in the Indian Territory, shall by such marriage hereafter acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

SEC. 2. That every Indian woman, member of any such tribe of Indians, who may hereafter be married to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or interest therein.

SEC. 3. That whenever the marriage of any white man with any Indian woman, a member of any such tribe of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent.

Mr. CURTIS of Kansas. If the Chairman noticed that law as it was read he observed that there is not one word in it with reference to the children of an Indian woman who marries a white man, and it is a fact well known that for several years this question was pending before the Department of the Interior, and it was not until within the last two or three years (this act was passed in 1888) that the Secretary held that the child of an Indian woman who had married a white man since 1888 was not entitled to all the rights of a member of the tribe, and to the same rights as the child of an Indian man who had married a white woman.

This amendment, instead of changing existing law, simply places a construction upon this section. At the end of the second section, as the Chairman will notice, it is provided that the mother shall retain all her rights in the tribe—her property and her annuities; and if this be true of her, why is it not true of her children? The fact of her marriage to a white man does not change the status of her children. And will any member of this House claim for one moment that the children of an Indian woman who marries a white man have not the same rights that belong to the children of an Indian man who marries a white woman?

There is another thing that is well known to every man who has had anything to do with the Indian Committee or with Indian affairs. Every time that there has been a treaty negotiated or entered into with the Indians, it has been the half bloods and the quarter bloods that have been appealed to. There is no reason and no justice in claiming that the child of an Indian woman because she happens to have married a white man since 1888 is not entitled to the same portion of land to which she would be entitled had her father been an Indian man and her mother a white woman.

Some gentlemen say, and this objection was urged upon me the other day, "This is taking a step backward." If it is taking a step

backward why has not Congress the courage to take the proper step and say that hereafter no Indian man shall marry a white woman and no Indian woman marry a white man? But instead of taking a step backward this is a step in the right direction. You may go to the Indian Territory, you may go to any Indian reservation that you please, and you will find that the children who are advanced in education and intelligence are the children of white men and Indian women or the children of white women and Indian men. These are the first to put on citizen's clothing; they are the first to attend the schools.

I tell you, Mr. Chairman, there are only two ways to solve this Indian question. We may talk about it in Congress all we please; missionaries may say what they please; but the only way to solve the Indian question is by education and by intermarriages of Indians and whites.

Mr. Chairman, in the law of 1888 there is nothing that deprives the child of an Indian woman who has married a white man of its rights. So I say this amendment, instead of changing existing law, simply construes that section and simply puts the children of an Indian woman in the same condition as the children of an Indian man occupy.

Another thing: It is well known as a principle of law that the condition of the children follows that of the mother. If that principle of the common law be conceded, then the condition of the children of an Indian woman would follow that of their mother, and they would be entitled to all the rights in the tribe that she enjoyed. The very law which it is claimed we are undertaking to change provides that the mother shall not be deprived of any of her rights in the lands or annuities of the tribe. This is all I desire to say on the point of order.

Mr. McCALL of Massachusetts. Mr. Chairman, the argument of the gentleman from Kansas [Mr. CURTIS] is simply an argument in favor of the repeal of the act of August 9, 1888, because the children of white men who marry Indian women are placed on a different basis from the children of Indian men who marry white women. Now, that argument may be good or bad; but the statute of August 9, 1888, in clear terms provides that—

No white man, not otherwise a member of any tribe of Indians, who may hereafter marry an Indian woman, member of any Indian tribe in the United States or any of its Territories, except the Five Civilized Tribes in the Indian Territory, shall by such marriage hereafter acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

And the next section provides that the Indian wife of the white man shall become a citizen of the United States. The white man being a citizen, his wife becomes a citizen and their children are citizens.

Mr. CURTIS of Kansas. Will the gentleman permit me a moment?

Mr. McCALL of Massachusetts. If the gentleman will wait a moment, I will.

Mr. Chairman, the object of that law is to preserve these Indian reservations and Indian lands to the Indians. When an Indian woman marries a white man she surrenders her tribal rights so far as her children are concerned. She herself enjoys during her life all her rights as an Indian woman. My friend from Kansas admitted in his argument, as I understood him, that the Interior Department has put on this law a construction adverse to the construction for which he is contending here.

Mr. CURTIS of Kansas. I wish to ask the gentleman if it is not true that the second section of the statute of 1888 expressly provides that nothing in the act shall interfere with the interests of the wife in the lands or annuities of the tribe?

Mr. McCALL of Massachusetts. Yes; but I think a fair construction of that provision is that it applies to the rights of the wife during her life. The children of such a marriage are citizens of the United States and have no special claim upon the Government for support; they have not the rights that Indians have. They are not in the position of wards of this nation. They are citizens of the Government.

I think there is embodied in that statute a broad public policy; that is, to prevent the maintenance of this race for the purpose of being charges upon the people of the United States. Our people are willing to support Indians; but they draw a line as to who are to be considered Indians.

Now, it seems to me that if the gentleman from Kansas in his construction of the law is correct, then there is no need for this provision in the bill at all. It is not, Mr. Chairman, the function of the appropriation bill to construe the law. That belongs to the courts, and the phraseology of the provision, as embodied in this bill, shows itself that it is obnoxious to the point of order.

Mr. CURTIS of Kansas. I have not a copy of the RECORD at hand, but the Chair will undoubtedly remember that the same question was raised on the Post-Office appropriation bill during its consideration in the Committee of the Whole two years ago. The point of order was then made and overruled, for the simple reason that it construed the section and was not a change of the law.

Now, I submit that if there was anything in the section under consideration that shut out the children, it might be a different case. But there is no such provision in this bill; and, as I said at the opening, this question was pending before the Department of the Interior for several years before they determined whether or not it applied to the children of Indian women at all. Now, if the gentleman from Massachusetts occupies a correct position in his argument, why does he not, on this floor, advocate a proposition to shut out the children of Indian men who have married white women?

Talk of supporting the Indians! Suppose you try to carry that out to its fullest extent, and that the Government should cease its support. What is the first step to do? As long as you compel them to intermarry you will have to keep them and support them. Until you enable white men to marry Indian women, and white women to marry Indian men, and protect and educate the children of such marriages, you will have to support the race. There is no question about that.

Mr. McCALL of Massachusetts. The proposition would not be in order on the present bill. That is the point I made against the pending proposition. It is new legislation, and I am simply making a point on the proposition that it is new legislation and has no place in this bill. It is contrary to the rules of the House. If it was properly before the House, I might or might not support it.

Mr. CURTIS of Kansas. Probably might not.

The CHAIRMAN. The Chair is ready to rule on the question of order raised.

The Chair remembers the case of two years ago to which attention has been called, in reference to the Post-Office bill and the ruling then made.

Mr. CURTIS of Kansas. That was only the fraternal press matter.

The CHAIRMAN. The Chair recollects the occasion; that it had reference to the transmission through the mails of certain published matter. The present occupant of the chair never had any sympathy with that ruling, but, aside from that, this pending proposition, on which the point of order is made, appears clearly to the Chair to be new legislation. It is a positive enactment by law where at best it is only claimed that none now exists, and the Chair, for that reason, sustains the point of order.

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 architect and draftsman to be employed in the office of the Commissioner of Indian Affairs, \$1,135,000, of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska: *Provided*, That the Secretary of the Interior shall make contracts, but only with present contract schools, for the education of Indian pupils during the fiscal year ending June 30, 1897, to an extent not exceeding 60 per cent of the amount so used for the fiscal year 1895: *Provided*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

Mr. LINTON said:

Mr. CHAIRMAN: I move to strike out the last word, and desire to say in this connection that it will be impossible for me to conclude my remarks within the five minutes allowed by the rule, and I therefore ask an extension of time. I will desire to occupy some fifteen or twenty minutes, but will conclude as soon as possible.

Mr. SHERMAN. I think perhaps time will be saved by agreeing now upon a limit of time for the debate. It will be better to arrive at a conclusion now, so that at the end of the time fixed the vote can be taken on the paragraph and any amendments that may be offered to it.

I suggest that we take forty minutes for debate on this proposition and all amendments, and give the gentleman from Michigan twenty, and I will control the other twenty.

Mr. LINTON. I desire to say that there are several others who wish to speak, and I hardly think forty minutes will be sufficient.

Mr. SHERMAN. Then I ask unanimous consent that the debate be limited to one hour, with the understanding that at the expiration of that time the vote shall be taken on the pending amendment, or amendments that may thereafter be offered, without debate.

Mr. HAINER of Nebraska. Is that an hour on each side?

Mr. SHERMAN. No; one hour altogether.

Mr. HAINER of Nebraska. That, I think, would be hardly sufficient.

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

Mr. HAINER of Nebraska. I must object for the time being.

Mr. SHERMAN. How much time does the gentleman from Nebraska want?

Mr. HAINER of Nebraska. I do not know that I want any; but I would suggest that you make it forty-five minutes on each side.

Mr. LINTON. We can fix the time for the vote, say, at half past 4; that would give ample time.

Mr. HAINER of Nebraska. So that time is left for the presentation of amendments I will be content. I think thirty-five minutes on a side will be sufficient, reserving the right to offer an amendment after the debate is closed.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the debate on this paragraph, and all amendments thereto, be concluded in one hour and ten minutes, thirty-five minutes of which shall be allotted to the gentleman from Michigan and the remainder of the time to the gentleman from New York in charge of the bill. Is there objection?

There was no objection, and it was so ordered.

The CHAIRMAN. The gentleman from Michigan [Mr. LINTON] is recognized.

Mr. LINTON. Mr. Chairman, a little less than two years ago from this same place I said that it was time to call a halt in the expenditure of the Nation's money toward any sectarian institution. Since then a great change has taken place in this class of legislation. No longer do you see the schools of St. Boniface, the Holy Family, or St. Ignatius specifically provided for by Congress, and even the so-called charities of the District of Columbia under sectarian control and for which our whole people have been taxed, thereby becoming unwilling contributors to a taxation without representation, have been swept from legislative bills.

This has been brought about by an outraged, indignant public sentiment created by the knowledge that Congress has for years, contrary to public policy, contrary to the principles of good government, and in direct contravention of the Constitution, appropriated vast sums of money that have been devoted to sectarian purposes. Every member upon the floor at this moment is aware of the fact that the pending bill carries in round numbers a quarter of a million dollars, every penny of which will go into the coffers of one church to be used for the education of 4,000 children in schools where creed, and one creed only, is taught. I will not, and never have attacked or abused any religion or creed, and will endeavor to refrain, in my own remarks, from even mentioning the name of any sect, but I believe this whole religious controversy should be forever eliminated from the arena of politics, and the only way to bring it about is to absolutely divorce church and state, as intended by the founders of our Government, and stop here and now pandering to any church influence or demand by ceasing at once making this class of appropriations.

As stated by a well-known Senator during the debate upon this bill last session—

It is a very serious matter. It concerns the rights of the American people so far as the appropriation of their money is concerned. I do not believe the Congress of the United States can long stand upon the ground we occupy to-day. There is already a gathering storm in this country against this mat-

ter of appropriating money for sectarian purposes. That storm may break before a great while upon the Congress and the people of the United States.

The storm prophesied by the Senator did break in many places during the last campaign, and men whose faces have been familiar here for many years are now resting quietly by their firesides, wishing they had voted upon this question in accordance with the Constitution of their country, in obedience to the dictates of their own consciences, and according to the desires of almost their entire constituencies. They then might have escaped the storm of indignation and the flood of ballots which overcame them. The storm of 1894, however, was a zephyr and the flood a rivulet compared with what is impending if Congress persists in its mad course of voting hundreds of thousands of dollars to one church in bills which if passed become laws respecting an establishment of religion (directly prohibited by the United States Constitution); but they go further than that, and actually force poor, ignorant children under that establishment of religion and pay the bills for their religious education. But my good friend from New York will say the children will be thrown out of school if we do not provide for them. Not so. I wish to have the Clerk read a United Press dispatch of this date.

The Clerk read as follows:

COLLECTIONS FOR CATHOLIC INDIAN MISSIONS.

PHILADELPHIA, February 23.

In all the Roman Catholic churches of this diocese collections were taken up for the mission work among the negroes and Indians in the United States. Similar collections were taken in other dioceses as the result of an appeal recently issued to the bishops and archbishops by the commission composed of Cardinal Gibbons, Archbishop Ryan, of this city, and Archbishop Kain, of St. Louis.

The rich and powerful church which has these children in charge will not discontinue teaching its creed because the Government refuses longer to pay for it any more than the same church would abandon the big university it has established almost within a stone's throw of the Capitol because it can not secure Government aid.

I will introduce here for printing in the RECORD a limited number of letters, remonstrances, and resolutions, which should have great weight with our decisions here to-day, coming from the high sources they do, representing great churches and millions of our people:

NEW YORK, December 27, 1895.

HONORABLE AND DEAR SIR: We, the undersigned executive officers of mission boards and representatives of leading branches of the Christian Church in the United States, desire to ask your earnest attention to the matter of appropriations of public money by Congress in aid of Indian schools conducted by religious denominations. The following table, compiled from the reports of the Commissioner of Indian Affairs, sets forth the present status of this question:

Amounts set apart for education of Indians in schools under private control for the fiscal years 1886 to 1896, inclusive.

	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	Total in 11 years.
Roman Catholic.....	\$118,343	\$194,635	\$221,169	\$347,672	\$356,957	\$363,349	\$394,756	\$375,845	\$389,745	\$359,215	\$308,471	\$3,430,157
Presbyterian.....	32,995	37,910	36,500	41,825	47,650	44,850	44,310	30,090	36,340	.....	.....	352,470
Congregational.....	16,121	26,696	26,080	29,310	28,459	27,271	29,146	25,736	10,825	.....	.....	219,644
Martinsburg, Pa.....	5,400	10,410	7,500	.....	.....	.....	.....	.....	.....	.....	.....	23,310
Alaska training school.....	.....	4,175	4,175	.....	.....	.....	.....	.....	.....	.....	.....	8,350
Episcopal.....	1,890	3,690	18,700	.....	24,876	29,910	23,220	4,860	7,020	7,020	2,160	123,346
Friends.....	1,960	27,845	14,460	23,383	23,383	24,743	24,743	10,020	10,020	10,020	.....	170,577
Mennonite.....	.....	3,340	2,500	3,125	4,375	4,375	4,375	3,750	3,750	3,750	3,125	38,465
Middletown, Cal.....	.....	1,523	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,523
Unitarian.....	.....	1,350	5,400	5,400	5,400	5,400	5,400	5,400	5,400	5,400	.....	44,550
Lutheran, Wittenberg, Wis.....	.....	.....	1,350	4,050	7,560	9,180	16,200	15,120	15,120	15,120	.....	83,700
Methodist.....	.....	.....	.....	2,725	9,940	6,700	13,980	.....	.....	.....	600	33,945
Mrs. L. H. Daggett.....	.....	.....	.....	275	600	1,000	2,000	6,480	2,500	3,000	3,000	6,480
Miss Howard.....	.....	.....	.....	.....	.....	.....	.....	.....	3,000	3,000	3,000	15,375
Lincoln Institution.....	33,400	33,400	33,400	33,400	33,400	33,400	33,400	33,400	33,400	33,400	33,400	367,400
Hampton Institution.....	20,040	20,040	20,040	20,040	20,040	20,040	20,040	20,040	20,040	20,040	20,040	220,440
Woman's National Indian Association.....	.....	.....	.....	.....	.....	.....	.....	.....	2,040	4,320	.....	6,360
Point Iroquois, Mich.....	.....	.....	.....	.....	.....	.....	.....	.....	900	600	.....	1,500
Plum Creek, Leslie, S. Dak.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,620	.....	1,620
Total.....	228,259	363,214	376,264	529,905	532,640	570,218	611,570	533,241	537,600	463,505	370,796	5,147,212

Attention is especially invited to the fact that the Presbyterians, Methodists, Congregationalists, Episcopalians, Friends, Lutherans, and Unitarians have all formally declined to receive further Government aid in carrying on their work among the Indians, and Baptists receive nothing. During the last four years especially the subject has been very widely discussed in the columns of the public press, secular and religious, in the Halls of Congress, and elsewhere, and we believe that the sentiment of the American people is almost solidly united in opposition to this scheme of Government aid in sectarian schools. It is plainly in violation of the spirit of the Constitution; it is contrary to public policy; it is injurious to our politics; it is productive of religious jealousy; it is a misuse of public funds; it is a menace to the integrity of the public-school system, and is detrimental to the cause of Indian education.

We believe that the sentiments already expressed by you are in harmony with the views of the great mass of the American people, and we appeal to you to continue the good work to which you have given so much valuable time.

We believe that if you would send a copy of your speech of June 7, 1894, before Congress, to the pastors in the United States, asking them to preach a sermon or deliver an address on this subject, to circulate petitions to be

signed by their parishioners and sent to Congress, and to write personal letters to Representatives and Senators, respectfully praying for the discontinuance of such appropriations, you would find at once such a response as would clearly satisfy Congress as to the unpopularity of such appropriations.

In asking renewed attention to the subject we are encouraged by the action of the last Congress, which ordered the discontinuance of the contract system "as soon as practicable." We believe that it is practicable and desirable that it should be discontinued at once, and that no further appropriations be made for sectarian schools, and that the Indian Office be prohibited by law from setting apart any portion of money for schools under sectarian control.

Wm. C. Roberts, corresponding secretary, Board of Home Missions, Presbyterian Church; T. J. Morgan, corresponding secretary, American Baptist Home Mission Society; A. B. Leonard, corresponding secretary, Missionary Society, Methodist Episcopal Church; C. C. McCabe, corresponding secretary, Missionary Society, Methodist Episcopal Church; C. J. Ryder, corresponding secretary of American Missionary Association, Congregationalist; D. J. McMillan, corresponding secretary, Presbyterian Board of Home Missions.

Hon. W. S. LINTON, M. C., Washington, D. C.

LOUISVILLE, KY., January 21, 1896.

MY DEAR SIR: I inclose copy of preambles and resolutions as below, adopted by the Baptist Pastors' Conference of this city (Louisville). I assure you that these are the sentiments of the 200,000 Baptists in Kentucky, as well as nearly all the 4,000,000 throughout the entire country. I can assure you also that these are the sentiments of five-sixths of the American people. I earnestly hope that this stain upon our Government may be speedily removed.

Very sincerely, yours,

T. T. EATON,
Editor Western Recorder.

Hon. W. S. LINTON, Washington, D. C.

NEW YORK, December 30, 1895.

DEAR SIR: At a large meeting of the conference of Baptist ministers of New York and vicinity the preamble and resolution below was unanimously adopted.

Yours, truly,

T. J. MORGAN,
Corresponding Secretary, American Baptist Home Mission Society.

Hon. W. S. LINTON, M. C., Washington, D. C.

DEAR SIR: The protest below is offered by the Baptist Ministers' Conference of Atlanta, Ga.:

"That in entering this protest we are guided by a regard for the sacred principle of separation of church and state so prominently characteristic of our constitutional system, and wholly uninfluenced by disproportionate favor shown to any church."

This resolution was unanimously passed at the Baptist Ministers' Conference in Atlanta, Ga., January 6, 1896.

C. N. DONALDSON, Chairman.

Hon. W. S. LINTON,
House of Representatives, Washington, D. C.

Resolutions below were also adopted by the Baptist Ministers' Conference of Richmond and Manchester, Va.

WM. E. HATCHER, President.
J. T. TUCKER, Secretary.

January 13, 1896.

Resolutions passed by the Baptist Pastors' Conference, Louisville, Ky., January 20, 1896:

"Whereas the United States Government during the last eleven years has paid out of the public Treasury the sum of \$3,430,157 to the Roman Catholics to aid them in carrying on their missionary work among the Indians; and

"Whereas for the year ending June 30, 1896, while less than \$6,000 are set aside for other churches, the sum of \$308,471 is given to the Roman Catholics; and

Whereas it is the declared policy of the Government to discontinue Indian contract schools as early as practicable; and

Whereas it is entirely feasible to make provision in Government schools for all Indian children now enrolled in contract schools before the beginning of the school year of 1896-97: Therefore

Resolved, That we earnestly urge upon Congress the importance of discontinuing at once the contract school system, and we hereby protest against the appropriation of further sums from the public Treasury in the aid of contract schools. We do this for the following reasons:

First. The appropriation of public money to any church or religious denomination is plainly in violation of the spirit of the Constitution, which prohibits the establishment of any form of religion.

Second. It is contrary to public policy, causing as it does religious jealousies, and injecting into our politics the animus of sectarian controversy.

Third. The giving of so large a sum to one sect while others doing the same kind of work among the Indians receive nothing from the public Treasury is unwarranted favoritism on the part of the United States Government, which is in duty bound to treat all its people alike.

Fourth. It is a serious menace to the integrity of the public-school system, since the same reason urged in behalf of this action of the Government may be urged with equal potency in behalf of the division of the public-school fund of the several States.

Fifth. It is detrimental to the cause of Indian education. It is better for the Indians in preparation for American citizenship to be trained in public schools, where all the influences tend to foster patriotism and to prepare them for a speedy absorption into national life.

H. C. ROBERTS, President.
NOLAND, Secretary.

A PROTEST AND PETITION.

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

We, the undersigned, citizens of the United States, earnestly protest against the appropriation by Congress of funds from the National Treasury for sectarian education among the Indians, or for the support of any institution or undertaking not wholly under the control of the National Government.

We respectfully petition the Fifty-fourth Congress to adopt the following joint resolution proposing an amendment to the Constitution of the United States:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed for ratification by legislatures in the several States, which, when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the said Constitution, namely:

"ARTICLE XVI

"Neither Congress nor any State shall pass any law respecting an establishment of religion, or prohibiting the free exercise thereof, or use the property or credit of the United States, or of any State, or any money raised by taxation, or authorize either to be used, for the purpose of founding, maintaining, or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination, or religious society, or any institution, society, or undertaking which is wholly or in part under sectarian or ecclesiastical control."

R. W. ROWLEY,
And tens of thousands of others.

Attention is invited to a table compiled from the reports of the Commissioner of Indian Affairs showing the amount of money

paid out of the public Treasury for contract Indian schools during the period of eleven years, 1886-1896, inclusive. From this table it appears—

First. That during that time the total amount paid to Indian contract schools was \$5,147,292 and that of this sum \$3,430,157 has gone to one denomination.

Second. The amount reached its highest point in 1892, viz, \$611,570. Since this time there has been a steady decline, the amount appropriated for the year 1896 being \$370,796.

Third. The Methodists, Presbyterians, Congregationalists, Episcopalians, Friends, Unitarians, and Lutherans, who have hitherto participated in this Government subsidy, have withdrawn entirely. The amount of \$2,160 charged to the Episcopalians for the year 1896 is not by the authority but against the express wish of the church; the same is true of the \$600 charged to the Methodists. The school conducted by Miss Howard is in no sense a church school, while Lincoln and Hampton institutes both claim to be un denominational, so that of the total amount appropriated for contract schools for 1896, viz, \$370,796, the sum of \$308,471 is given to one church, while only \$3,125 is given to any other religious body.

Fourth. It will thus be seen that as the matter now stands the Government of the United States takes from the public Treasury the sum of \$308,000 to aid one religious body in carrying on its missionary work among the Indians, while it gives practically nothing to any other.

It is worthy of notice in this connection that at the last session of Congress a clause was inserted in the Indian bill prohibiting the Secretary of the Interior from making any new contracts, and restricting him to a sum not to exceed 80 per cent of the contracts of the previous years, and directing that—

The Government shall, as early as practicable, make provision for the education of Indian children in Government schools.

It thus appears that the Indian contract school system has, after mature deliberation and much public discussion, been repudiated practically by all the churches except one; second, that the entire policy has been condemned by act of Congress.

I hope that the present Congress will abolish at once the entire system, which is so antagonistic to the spirit of the Constitution, repugnant to the public opinion, and which has been heretofore productive of so much bitterness, and which has in it the possibility of so many evils in the future.

I may be called an extremist upon this question, but I know that I am in the right and that the American people are with me.

On the 15th of June, 1876, the Republican national convention declared:

The public-school system of the United States is the bulwark of the American Republic. With a view to its security and permanence we recommend an amendment to the Constitution of the United States forbidding the application of any public funds or property for the benefit of any schools or institutions under sectarian control.

Republicans, can you vote for this appropriation after having made this party pledge?

The Democratic national platform at St. Louis, June 28, 1876, declared:

We do here reaffirm our faith in the total separation of church and state for the sake alike of civil and religious freedom—

And referred to—

the public schools, which the Democratic party has cherished from their foundation and resolved to maintain, without prejudice or preference for any class, sect, or creed, and without largesses from the Treasury to any.

Democrats, will you vote largesses to a creed, after declaring in party convention assembled that you would not do so? I know of the pressure that is being brought to bear upon members, and the lobby that has been at work. I wish to have read at this time an Associated Press dispatch published in papers throughout the country.

The Clerk read as follows:

FIRST OF ITS KIND—PÈRE MARQUETTE'S STATUE TO BE PLACED IN THE CAPITOL.

WASHINGTON, February 21.

The unveiling of Père Marquette's statue in Statuary Hall, at the Capitol, which will occur soon, will be the first instance of the placing of a memorial to a churchman in the Capitol. The statue is being put in position. Father Marquette is represented in the garb of the Jesuits, standing with a map in his left hand, the right grasping his robe.

It is expected the unveiling exercises will be attended by Cardinal Satolli, Cardinal Gibbons, and the French and Italian ambassadors, together with a number of high dignitaries of the Catholic Church.

Mr. LINTON. I presume that Father Stephan, who labors so assiduously here for the schools of his church, thinks it a fitting time when at this very moment in Statuary Hall, in the room of the Capitol dearest to our people owing to the associations of great names connected with it, there is being uncovered this marble statue, clothed in the cowl and gown of a Jesuit, with crucifix, rosary, beads, and other paraphernalia of his church, standing

with map in one hand, the other grasping his robe—the whole figure, including pedestal, upon which is engraved scenes of church triumph and the Jesuitical letters, "S. J.," is of an ecclesiastical character alone; in fact so much so that devotees of that society have stopped in front of it, placed as it is in the main corridor of the Capitol, to make the sign of their creed, causing a member of the House, who may participate in this debate, to say that—

The interior has been transformed, and now the only thing necessary to give the Capitol the appearance of a complete cathedral is to change the exterior but slightly by removing the Goddess of Liberty from the Dome and substituting a figure of St. Peter,

And this statue of a zealous priest, who never knew the meaning of the precious word "liberty," and never heard the name or even dreamed of the great State he is supposed to represent, has this day been placed, and we are informed is to remain, next to and towering above the marble form of a statesman, the martyred Lincoln, standing just beneath with troubled face and bowed head, but the stroke of whose pen freed 4,000,000 slaves; and, as we are informed in the extract just read, the unveiling exercises of this, the first and only statue of a churchman in the Capitol, will be attended by that "eminent American," (?) Cardinal Satolli, and other high dignitaries of his church—this, I say, Father Stephan may consider a fitting time for Congress to present the schools of his faith with a quarter of a million dollars, but I do not; neither do I believe this House is in a temper to do it, and I therefore ask the adoption of the amendment I offer, which will prevent such a misappropriation of public moneys.

The Clerk read the amendment offered by Mr. LINTON, as follows:

On page 49, after the word "Alaska," in line 8, insert:
"And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools; and the Secretary of the Interior is hereby charged with the duty of so using and administering said appropriation as to carry out said object, and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools."
And strike out the proviso beginning in line 8, down to and including the words "ninety-five," in line 14, page 49.

The CHAIRMAN. Has the gentleman from Michigan occupied all the time he desires to occupy?

Mr. LINTON. I reserve the remainder of my time.

Mr. SHERMAN. I will yield, Mr. Chairman, to the gentleman from South Dakota [Mr. GAMBLE] such time as he desires.

Mr. GAMBLE. Mr. Chairman, I desire to say at the outset it is not my intention to make a set speech upon the amendment submitted by the gentleman from Michigan [Mr. LINTON]. It occurs to me, however, the Committee on Indian Affairs should have some reasons to present for the report they have made so far as it relates to the subject of Indian education.

In an act passed by the last Congress it was declared that the Secretary of the Interior should make contracts, but only with the then contract schools, for the education of Indian pupils during the fiscal year ending June 30, 1896, to an extent not exceeding 80 per cent of the amount so used for the fiscal year 1895, and that the Government should as early as practicable make provision for the education of Indian children in Government schools.

In pursuance of that declaration the Committee on Indian Affairs have brought in a report upon this subject in compliance with the declared purpose of Congress as there laid down, and the amount appropriated this year, as proposed in this bill, is only 60 per cent of the amount appropriated for the year 1895. So, Mr. Chairman, we feel that we are carrying out in good faith the policy of last year; and we do not believe it is just to the Indians that they should be cut off from the proposed appropriation which has heretofore been extended for the aid of Indian education. I heartily agree with the gentleman from Michigan [Mr. LINTON] in the principle enunciated by him, to entirely dis sever church from state, but there is something more than a theory involved. These institutions of learning have been planted in these remote regions for the education of the Indian. It was done in good faith, and at the invitation and encouragement of the United States. There can be no question, I think, that these schools have contributed most encouragingly to the higher and better education of the Indian population.

Mr. Chairman, I represent a constituency that has mingled in its population in different localities something like 25,000 Indians, placed there not voluntarily by the State of South Dakota, but they have been admitted to citizenship by the Government of the United States without any act upon our part, and are a part and parcel of our people. We are interested, Mr. Chairman, in having the Government contribute to their education, as it properly should, for they are its wards and not ours, that they may be brought into harmony and sympathy with the institutions not only of the State, but of the General Government. We are anxious that this people may be educated and fully civilized, that they may in time be a strength rather than a menace to our Com-

monwealth. The amendment proposed is to strike down all appropriations for this purpose.

I respectfully submit, Mr. Chairman, that the Committee on Indian Affairs have reported wisely and in compliance with the declared purpose of the law passed in the last session of Congress.

For the fiscal year 1895 a less appropriation was made by \$74,000 than for the prior year. By the appropriation bill for the fiscal year 1896 the appropriation was reduced more than \$92,000. Later I will ask to have read, as a part of my remarks, a communication I received in response to certain inquiries I made of the Commissioner of Indian Affairs upon the subject under discussion.

I submit in all fairness that the gentleman from Michigan [Mr. LINTON], if he is to insist upon his amendment and no appropriation is to be extended, ought to ask from the General Government a sufficient amount now for the construction and equipment of schools to be under the control of the Government to supply the place of those that have been and now are doing this work under contract. If the contract schools are to be eliminated and stricken down their equivalent should be supplied, and that without unnecessary delay. He should ask for an appropriation by the General Government, so that the education of the Indian may be provided for in the immediate future, and the service not suffer and its elevating and stimulating influence be postponed.

Mr. PEARSON. With the gentleman's permission, I will state that as I understand this amendment it does not cut off any of the appropriation, but simply says it shall be expended without sectarian control. Is that so?

Mr. LINTON. That is the only provision. The appropriation is not reduced in the least.

Mr. SPALDING. It does not reduce the appropriation.

Mr. GAMBLE. The amendment to which the gentleman from Michigan directed his remarks was simply to strike out the last word; but I understand that he concluded his remarks by submitting an amendment.

The amendment, however, will have the effect I have indicated. The Government has not its own schools or school facilities, nor are they otherwise provided in the localities where the service is needed. It is our understanding, the schools can not otherwise be provided at the present time than by the contract schools. I am in hearty sympathy with the gentleman in his proposition to have an absolute separation of church and state. But, interested as we are in the education of the Indian as a part of our citizenship, in the elevation of his manhood, and strengthening his character, we say in all fairness that he ought to come in, if these schools are to be cut off and the opportunities of the Indian lessened, and ask for a reasonable appropriation to supply facilities in lieu of what he proposes to strike down. I hold in my hand a communication from the Commissioner of Indian Affairs, to which I heretofore referred, which states that it will require upward of \$1,200,000 to supply school facilities equaling those already provided by the contract schools. I will ask to have it read as a part of my remarks.

The CHAIRMAN. Does the gentleman desire to have it read?

Mr. GAMBLE. Yes.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 15, 1896.

SIR: I have the honor to acknowledge receipt of your letter of February 8, relative to certain school matters. In reply I advise you seriatim as follows:

First. Number of Indian children receiving education in sectarian or contract schools under pay from the Government:

Contracts are made for 4,072 pupils, while the average attendance on these schools is shown by reports of contractors to be 4,968.

Second. How much was paid by the Government to such schools for the above purpose for each of the fiscal years of 1895 and 1896, and how much is proposed to be used for such purpose for the fiscal year 1897:

During fiscal year 1895 contracts were made for this purpose aggregating \$463,505, and for 1896, \$370,796. A like reduction for 1897 would reduce the amount to about \$299,000.

Third. How much money, if any, has been used by the Government since the appropriation for the fiscal year 1895 for the Indian Department in the construction or purchase of school buildings for educational use for the Indians:

An approximate estimate shows the cost of this item to be \$216,612, to which should be added about \$50,000 more for minor repairs, improvements, water systems, and sewerage.

Fourth. If all contracts by the Government with sectarian or other schools were at this time terminated, what appropriation of money by the Government would be necessary to construct or purchase suitable buildings and sites with equipments to adequately and sufficiently supply the service equal to that before the discontinuance of any of the contract schools under the law of 1895?

As stated above, if the contract-school system were abolished and the Government forced to care for the 4,000 children now being educated therein, it would require at least twenty boarding-school plants, with capacity for 200 pupils each. To construct and equip these plants would cost not less than \$60,000 each, or a total of \$1,200,000. This estimate is based upon the actual expenses of this office in constructing such schools.

Fifth. How long would it take the Government to construct and equip the school buildings by purchase or otherwise before the same would be ready for use and occupancy without injury to the cause of education of the Indians?

By putting forth special effort it would take from two to three years. As to the policy of this Bureau and the Department, see reports transmitted to Congress, Executive Document No. 107, Fifty-third Congress. Very respectfully,

D. M. BROWNING, *Commissioner.*

Hon. R. J. GAMBLE,
House of Representatives.

Mr. GAMBLE. Now, Mr. Chairman, I do not know that I care to add anything to what is contained in the communication I have submitted, except to say that I am in no ways wedded to any particular measure; but being interested as I am in the education of the Indians, especially within the limits of my own State, I do not want to see the cause of Indian education suffer even temporarily, and this is the reason for my objection to the amendment. It can not be otherwise than detrimental to the service, at least until adequate facilities are supplied by the Government to supply the places by these schools. I submit that under the policy already inaugurated by Congress every dollar of appropriation will cease within three years from this time, and it seems to me it is a feasible, it is a practicable, it is a wise provision that the committee has followed out, and it ought to be satisfactory to everyone.

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

Mr. GAMBLE. Certainly.

Mr. ANDREWS. Has any provision been made thus far for the building of houses by the Government to take care of these children?

Mr. GAMBLE. That is a subject to which I was about to address myself. In the letter submitted by the Commissioner it is shown that upward of \$200,000 has been used for that purpose during the past year. And I submit, Mr. Chairman, if we are to withdraw support from these schools within three years—and the Commissioner, by his letter, states it will take three years to complete the construction of these buildings—we ought, in justice to the Indians, to appropriate at least one-third of the amount at this time and at once commence the construction of school buildings so as to have them ready to be occupied as the needs of the service require, and avert, if possible, any harm to the cause of education among any of this people.

Mr. ANDREWS. Another question, with the permission of the gentleman. Why not proceed with that business immediately and put this whole question under absolute Government control from the outset?

Mr. GAMBLE. I am willing, as far as I am concerned, to assent to the proposition of the gentleman, but is this Congress willing under present conditions to appropriate \$1,200,000 for the purpose? I think, however, we ought at least to appropriate a part of it, because I think the United States is large enough, great enough, and has resources enough, and should be independent enough to educate the Indian, and if possible make him a self-supporting, intelligent citizen, within their own school buildings, without renting the services from sectarian or other contract schools.

Mr. ANDREWS. Just one more question. In the end it means so much money to equip these schools to transact the work now under practical Government control, does it not?

Mr. GAMBLE. Yes, sir; it would require an appropriation of \$1,200,000 to provide the facilities with which to do the work that is now being done by contract schools. It will require that amount of appropriation for school buildings.

Mr. KIEFER. Will the gentleman allow me to ask him a question? Suppose the Government should furnish that amount of money, \$1,200,000, or whatever the amount may be, would it not take at least another year before these buildings would be finished and the children entered for educational purposes?

Mr. GAMBLE. Yes, sir.

Mr. KIEFER. Consequently the present appropriation asked by the committee must be given.

Mr. GAMBLE. It ought to be given, so as to keep up the education of the Indians until other facilities are supplied by the Government to do the work under its direct charge and entirely independent of the contract system.

Mr. KIEFER. So as to have no break in the course.

Mr. GAMBLE. And if no appropriation is made, then the education of 4,998 Indian children would not be provided for.

Mr. ANDREWS. This appropriation relates to what fiscal year?

Mr. GAMBLE. To the fiscal year ending June, 1897.

Mr. ANDREWS. And it is deemed that between this time and the time when the Government can erect these buildings the educational work would be seriously injured if this system were not continued?

Mr. GAMBLE. That is conceded by the communication I had read. There are many school buildings now in which the work is being done, and it would require some time to construct buildings to take the place of those used for that purpose. With this statement, Mr. Chairman, I will take my seat. It was not my intention to take so much time in stating the position of the committee.

We do not want the cause of Indian education to suffer. We think the appropriation asked for by the committee should be made. The Government will do the work as soon as it is in a position with adequate facilities to do it, and in the meantime we desire the appropriation contemplated in the act of 1895 and in pursuance of the policy then declared.

Mr. TAWNEY. If the gentleman will allow me a question, if we continue to pursue the policy under which we are now working how long will it be before the Government will have complete control of the education of these Indians?

Mr. GAMBLE. Three years.

Mr. PEARSON. If I understood the gentleman from South Dakota, the proposition is to cut down this appropriation 20 per cent each year, so that it would take four more years. Why not make some provision now looking to the future control of these schools?

Mr. GAMBLE. You would have my most hearty cooperation in making the appropriation. We all know, even if the policy of 1895 is to be followed, there ought to be an appropriation for the purpose of constructing and equipping school buildings, so that the Government will be in a position to do the work of education itself when these contracts will have terminated.

Mr. SHERMAN. Let me suggest to the gentleman from North Carolina that this provision is being made thoroughly in this bill. There were eighty contract schools, and 20 per cent has been deducted from those, and we are making Government schools. If he will take the trouble to examine the report he will see that half a dozen schools were erected last year.

Mr. PEARSON. I would like to ask the gentleman from New York if it would not be better to make provision for the whole amount for the erection of these buildings as soon as possible, and thus stop this sectarian discussion?

Mr. ANDREWS. I have known it to occur that buildings have been erected in less than six months for the accommodation of 4,000 white children, and why can not we do it in this instance? [Applause.]

Mr. LINTON. I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, like the gentleman from South Dakota [Mr. GAMBLE] I have no set speech on this subject, but in view of the great importance of it I deem it my duty to explain my attitude toward the pending bill. I shall vote against this provision in the bill just as I voted against a similar provision in the bill of two years ago, and for the same reason. This provision is un-republican, as is demonstrated by the extract from the Republican platform of 1876 read by the gentleman from Michigan. It is undemocratic as demonstrated by the extract read from the Democratic platform of that year. It is un-American. Such a proposition has no legitimate place before the House of Representatives. I do not speak to-day as a member of the A. P. A. I am not now nor have I ever been a member of that organization. I speak simply as an American citizen who thinks that upon this particular proposition there is no room whatever for compromise. This proposed 20 per cent reduction is a compromise, or an attempt to compromise, a principle which lies at the very foundation of this Government; a principle that no true American citizen ought ever to consent to see compromised in the slightest degree. The argument in favor of these appropriations which I heard two years ago, and which has been repeated to-day, did not and does not commend itself to my judgment.

It is based on two premises. The first one is that if we withdraw the support of the Government from these sectarian schools they will languish and die. I deny that first premise of the argument of the gentlemen from South Dakota [Mr. GAMBLE]. It is only a mere expression of opinion, not a statement of fact, and I deny that that opinion is well founded. As stated by the gentleman from Michigan [Mr. LINTON] if we withdraw the appropriations proposed in this bill from the church or churches which desire to receive them, those particular churches will support these schools just as the Presbyterians and the Methodists and the Baptists and the other denominations now support their schools. The Baptists have never received but have always refused to receive any appropriations from the Government. The Presbyterians, the Congregationalists, and the Methodists have received such appropriations, but some two years or more ago, of their own volition, they announced to Congress and to the American people that they wanted no more Government appropriations to support their schools. Why does not the other church say the same thing?

Mr. WALSH. What church do you refer to when you say "the other church?"

Mr. COOPER of Wisconsin. The other churches—I do not know how many there are. I understand, however, that there are certain churches that ask for these appropriations. I understand, for instance, that it has not been announced to the American people or to the American Congress that the Catholic Church is

willing to give up this appropriation—and I make no invidious comparison between churches, for I am friendly to all of them.

But I understand that there is one church which clings to this appropriation. Now, I saw by the Census Abstract the other day that there are in the Catholic Church in this country 6,000,000 communicants. This appropriation carries about \$250,000 to that church for these schools. If it were \$300,000, how much would each one of those 6,000,000 of communicants be called upon to contribute in order to make up that amount? Five cents—5 cents a year, less than half a cent a month! What an imputation upon the loyalty, the zeal, the devotion of the members of this enormously wealthy religious organization to say that to preserve these schools and to propagate among the Indians the faith in which they believe they would not be willing to impose an additional per capita assessment or to make an additional per capita contribution to the amount of half a cent a month, or 5 cents a year! Gentlemen, do you believe anything so improbable as that? No one can believe it. There is another reason why we know that that church would continue to support its schools. We know it by the remarks made by the honorable gentleman from New York [Mr. SHERMAN], the chairman of the Committee on Indian Affairs. In his opening statement, when he brought this bill before the Committee of the Whole, this colloquy occurred. I read from page 2200 of the RECORD:

Mr. PEARSON. Before the gentleman takes his seat I should like to ask him if he can give the committee any information as to how much money would be required to procure, either by lease or purchase, the school buildings that are now used in these contract schools?

Mr. SHERMAN. I will say to my friend from North Carolina that I do not know whether these buildings can be procured at all or not. I presume some of them could not be had. I imagine that to erect school buildings which would take the place of all these contract schools would require perhaps from a million and a half to two millions of dollars.

Mr. PEARSON. The gentleman knows that we have already acquired certain of the schools?

Mr. SHERMAN. Yes.

Mr. PEARSON. And we have acquired them from nearly every denomination except one?

Mr. SHERMAN. Yes.

Mr. PEARSON. Now, has any effort been made looking to the obtaining of the title to such schools, either by lease or otherwise?

Mr. SHERMAN. I think not; but I will say to my friend that I have an idea, obtained from a semiofficial source, that these schools perhaps would not be sold to the United States.

Mr. SHERMAN. "Unofficial" that should be, not "semiofficial."

Mr. COOPER of Wisconsin. It reads "semiofficial." It could not be semiofficially.

Mr. SHERMAN. It should be "unofficial." The statement had no connection whatever with any official.

Mr. COOPER of Wisconsin. Very well. If these schools would not be sold to the United States, then they would be retained by the church which owns them. If retained, they would be retained for what purpose? Evidently for the purposes of Indian schools, and their maintenance would involve, as I have already said, an additional per capita assessment of only 5 cents a year upon the communicants of that church.

But even if the statement be true that the schools would languish and die but for Government aid, that furnishes no argument whatever why we should make this appropriation. We have no right to do good to an Indian child by outraging the plain rights of a white man. The Virginia statute of religious freedom was drawn by Thomas Jefferson, and he was prouder of it than of anything else he ever wrote except the Declaration of Independence. It received the sanction of James Madison and his warm approbation in a letter which he wrote after its enactment.

Here is a clause in that statute of religious freedom:

That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

Have you a right to take the money of Catholics or Presbyterians or Methodists to educate Indian children in infidelity or to teach them the Jewish faith? No; nor have you the right to take the money of Jews or infidels or Protestants generally to teach Indian children the Catholic faith, because, in the language of Thomas Jefferson, when you take the money of any man for the purpose of propagating religious opinions which he disbelieves you commit an act which is sinful and tyrannical. [Applause.]

Mr. SHERMAN. Mr. Chairman, I should like to know how much time there is left on each side.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] has nineteen minutes and the gentleman from Michigan [Mr. LINTON] six minutes.

Mr. SHERMAN. I yield five minutes to the gentleman from Minnesota [Mr. EDDY].

Mr. EDDY. Mr. Chairman, I am in entire sympathy with the principle laid down in the discussion of the District appropriation bill a week or two ago, that all governmental appropriations should be disbursed by Government officials. But I take it there

is no principle so correct that under certain circumstances and conditions it may not be inapplicable; and I take it there is no rule so exact that under certain conditions it is not "more honored in the breach than the observance," and it seems to me thinking men will conclude this is such an occasion. The great aim and object of all governmental transactions with the Indians has been to elevate, to civilize, and to Christianize them; and the greatest of all influences in such civilization and advancement have been the schools that have been established among the various Indian tribes by the different religious denominations of the United States and the self-sacrificing efforts of noble men and women who have left the abodes of civilization and everything that is dear to the heart of a civilized person and, impelled by an overpowering missionary spirit and no hope of reward except the consciousness of having well performed a self-imposed duty, have devoted their lives to the Indians—who have settled among these children of the forest and the plains and endeavored to elevate and Christianize them.

I am aware that very many of these missionaries are Roman Catholics and that very many of these schools are controlled by Catholics, and I take it that this amendment is aimed chiefly at that church. Now, Mr. Chairman, I am not a Roman Catholic, and have no personal interest in that church; but, Mr. Chairman, my widening experience among men has taught me that no one church is great enough to absorb all the principles proclaimed on Calvary's mount by that wonderful carpenter of Nazareth. And, Mr. Chairman, I declare, without fear of successful contradiction and as a matter of simple justice, that this denomination has done as much as if not more than any other denomination to civilize and Christianize the Indians of North America. My long acquaintance with the Indians and an intimate acquaintance with the Indian character has taught me that a Catholic Indian is very much preferable to a heathen Indian.

I want to call attention to the schools established on the White Earth Reservation. There are two schools there that have been established for many years, one managed by the Episcopalians and one by the Catholics. Within the radius over which the influence of those schools has extended the Indians have made considerable advancement in civilization and enlightenment. They live in houses; they have wagons; they cultivate the land; they are advancing in civilization; while beyond the borders of the influence of those schools the Indians are exactly in the same condition that they were when Christopher Columbus discovered America.

I have not forgotten that when the "ghost-dance" excitement swept over the Western plains, bringing within its influence those Western Indians, a band of wild Indians went to our Chippewa Reservation in Minnesota; they instituted a "ghost dance" and were working those civilized Indians up to the wildest frenzy, so that the whole northern portion of our State trembled in anticipation of an immediate Indian outbreak. In that emergency the only white men who dared to go among those Indians were those missionaries that had charge of those mission schools on the reservation. They did go among those excited Indians, and by their influence, an influence which they had obtained through a lifetime of association with and work among them, persuaded the visiting Indians to return home and persuaded the resident Indians to resume their ordinary vocations, so that the danger was averted.

Nor have I forgotten, Mr. Chairman, the terrible Sioux Indian war which swept over southwestern Minnesota in 1862, the most terrible Indian war in all the history of such warfare in this country. It came like a thunderclap from a clear sky. Our men were away at the front, battling for the Union, leaving their homes, their wives, their children unprotected. In that terrible holocaust of death, which was led on by Little Crow, more than 6,000 men, women, and children lost their lives. Mr. Chairman, I am willing to admit that many so-called educated and Christianized Indians forgot their education and their Christianity, and with bloody hands joined the wild Indians in that awful carnival of death. But at the same time I do not forget John Otherday and four or five other Christianized Indians, who by their warnings and by their efforts, made at the imminent danger of their own lives, saved more than 2,000 innocent persons—men, women, and children—from sharing the awful fate of their fellows. Mr. Chairman, I most strenuously maintain that all the appropriations in favor of sectarian schools and sectarian education are not worth as much as the lives of those people who were saved by those Indians so educated and so Christianized.

[Here the hammer fell.]

Mr. LINTON. I yield one minute to the gentleman from Ohio [Mr. WATSON].

Mr. WATSON of Ohio. Mr. Chairman, I am opposed to the provisions of the bill and shall favor the amendment; and in taking this position I am true to the principles of a lifetime. Ever since I have been old enough to read the provisions of our Constitution I have believed, as I believe now and hope I shall ever be-

lieve, that church and state in this Government ought to be separated. Therefore I am in favor of this amendment, and hope that it will pass the House by a ringing vote. [Applause.] It is a violation of the spirit if not of the letter of our Constitution to appropriate money from the Treasury of the Government for sectarian purposes. Such a thing ought never to have been done, and it ought to be stopped as soon as possible. I appreciate and respect the spirit that seeks the wild and untamed children of the desert, the mountain, or the forest and lifts them by education into the responsibilities of citizenship, but that is the function of the church; let the churches do this work unaided by the General Government.

Mr. LINTON. I now yield one minute to the gentleman from North Carolina [Mr. PEARSON].

Mr. PEARSON. Mr. Chairman, I desire in the minute allotted to me to send forward to the desk an amendment to the amendment offered by the gentleman from Michigan [Mr. LINTON]. I am satisfied that the gentleman from Michigan will accept the amendment, as his idea is the same as that entertained by myself, to provide accommodation for these children as speedily as possible in the schools owned and controlled by the United States Government.

I ask the reading of the amendment.

The Clerk read as follows:

Strike out the word "one," after the word "million," in line 5, of page 49, and insert in lieu thereof the word "three."

Mr. PEARSON. That simply makes the provision read instead of one million one hundred thousand, one million three hundred thousand dollars, and the difference will be sufficient to construct the schools necessary for these Indian children now in the contract schools, and the work can begin at once.

Mr. PICKLER. Will the gentleman allow me to make a suggestion?

Mr. PEARSON. Certainly.

Mr. PICKLER. That section, the gentleman understands, does not cover any authority for building schools. This, as I understand, is only for support.

Mr. PEARSON. Under the amendment proposed by the gentleman from Michigan [Mr. LINTON], the Secretary of the Interior is distinctly charged with that duty. This, the gentleman will understand, is an amendment to that amendment.

[Here the hammer fell.]

Mr. LINTON. I now yield one minute to the gentleman from Nebraska [Mr. HAINER].

Mr. HAINER of Nebraska. Mr. Chairman, I am heartily and unqualifiedly in favor of the amendment of the gentleman from Michigan. The House and the country are to be congratulated on the fact that no gentleman has thus far risen in his place on this floor and advocated the principle of appropriating a single dollar for the maintenance of sectarian schools.

The only excuse for this appropriation is found in the contention that if it is not made these children will not be taken care of at all. That is the usual stalking horse which has been invoked in this and preceding Congresses to do service in debates on this subject; the fact still remains that while the Secretary of the Interior has sufficient authority and has full power under existing law to make necessary provisions for these children, practically nothing has been done thus far until this day and year of our Lord 1896 for taking care of these children in Government schools.

During the past year, as shown by the report of the Commissioner of Indian Affairs, only four sectarian schools, for which about \$39,000 had previously been appropriated each year, were turned over to the Government. The entire reduction of appropriations for sectarian purposes made for this current year was only about \$93,000, and of this \$39,000 is accounted for by transfer of certain Protestant schools to the Government, and a reduction of about \$50,000 was made in the cases of sectarian schools still receiving subsidies. Of the \$370,796 expended in subsidies, \$308,471 was paid to one church, while the great Protestant denominations, Presbyterian, Congregational, Baptist, and Methodist, received only \$600, the whole of this amount being paid to the Methodists.

Have the schools of these great denominations been closed? Are they doing less of good work than they did when receiving subsidies? Certainly not.

No intelligent person will claim that the work of these great churches or the great cause of education will be ever checked by withholding sectarian appropriations. On the contrary, all experience teaches that private contributions shrink with the prodigality of public aid.

The proposed amendment does not curtail appropriations. It simply gives them wise and proper direction and control. It works no hardship. Gentlemen seem content with a 20 per cent reduction each year, well knowing this 20 per cent will be expended for the same cause by the Government direct, but the proposed plan of making an annual reduction of 20 per cent will, at the end of three years, only do what my friend from Michigan proposes to do

here now. The friends of sectarian appropriations offer to turn over each year to the Government 20 per cent of the total. Why not do it all at once? If it is right to reduce it by 20 per cent, why is it wrong to turn it all at once into Government channels?

I hope the amendment will be adopted.

[Here the hammer fell.]

Mr. SHERMAN. Mr. Chairman, I yield five minutes of the time remaining to me to my colleague from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I do not credit the gentleman on the other side who has offered this amendment and some of the gentlemen who have spoken upon it from a highly patriotic standpoint with the motives that they assume to themselves in this debate. The opposition here to the system which has prevailed for some years is confined now to the contract schools, which, according to the information given in this debate, are limited to one sect or to one church. As a member of that church, I suppose from the source and character of the opposition the Roman Catholic Church is intended, and as an American citizen, as devoted to my country and its institutions as any man on the floor of the House [applause], I may say that whether you do or do not appropriate the money for these schools, these children will be taken care of and educated, and they will be taken care of and educated by these very schools. [Applause.] That church and that sect has never undertaken a charge yet that has been abandoned or that did not end in a manner that was worthy of so great an organization and of its glorious mission; and it is too late now—it is too late in the day—to contend that, even if this great country shall withhold the pittance that was heretofore granted, that church will abandon her sacred trust in connection with the care and custody of these helpless children. [Applause.] So you need have no fear on that score.

But, my friends, I want you to pause a little while before you reverse the policy heretofore pursued or endeavor to enforce the principle that you will not enter into a contract with a school or an individual because that school or individual happens to be a representative of the Roman Catholic Church. That is exactly what you are doing. This bill appropriates certain moneys by which the Government is enabled to make certain contracts with certain schools for the care of the Indian children. Why, my friends, in the city of New York, in which I reside, and which I have the honor in part to represent on this floor, if all the Catholic schools there were to turn their children out on the streets the other schools of New York are not roomy enough to educate or accommodate them, and the people of the city of New York would have to appropriate at least \$3,000,000 annually to educate the Catholic children.

Something has been said here about the niggardliness of Catholics with respect to these Indian missions. Talk of the niggardliness of Catholics and their parsimony in contributions! Why, my dear sirs, they save in the city of New York, for the taxpayers of that city, at least \$3,000,000 each year. And why? Because they take that money out of their own pockets every year, and with it educate their own children in their own schools, built by their own money, and supported entirely by their own contributions.

I am sorry that these questions should take this shape. I am sorry that gentlemen should enter into any discussion of this kind. The first thing a Catholic is taught is to love his country above all things on this earth. There are two precepts which he learns at his mother's knee, which are taught him in the Sunday school, in the church, and whispered in his ear on the deathbed: "Thou shalt love thy God above all things, and thou shalt love thy neighbor as thyself." And every man, black or white, civilized or savage, Christian or infidel, the world over, is the neighbor of a true Catholic. [Applause.]

Mr. LINTON. I yield to the gentleman from California [Mr. MCLACHLAN].

Mr. MCLACHLAN. Mr. Chairman, when the District appropriation bill was before the House the other day for discussion, I was surprised to learn that this Government had been in the habit of making large appropriations to institutions controlled by various sectarian denominations. I voted then to strike from the bill every appropriation to a sectarian institution of any kind, including one to a Protestant denomination of which I have the honor of being a member.

I have the satisfaction now of knowing that I acted then not only according to my own convictions of right, but that I have the approval of my constituents in so doing.

For the same reason that I opposed that bill I am opposed to the provisions of this bill as reported by the Committee on Indian Affairs, appropriating more than a quarter of a million of dollars to the Indian schools under the special management and control of a sectarian denomination, and am in favor of the amendment of the gentleman from Michigan, directing this money to be expended by the Government in its own schools for the education of these Indian children.

To make the appropriation recommended by the committee would, in my judgment, be an unwarrantable disposition of public funds, a gross violation of the Constitution, and diametrically opposed to the principles of our Government.

Personally I make no war upon the religion of any man. On the contrary I join with all good American citizens in strenuously contending for the principle that accords to every man, woman, and child the right to worship God according to the dictates of his or her own conscience, but I contend no less earnestly for the principle that in this Government of ours there must ever be a complete separation of church and state.

That this principle has often been violated in the past by appropriations similar to the one now sought to be passed through this Congress is no argument why it should be again violated, though the custom has even become venerable with age.

The pages of history are darkened by the records of the fatal results of just such legislation as that proposed by this bill, and the same pages abound in warnings to all the nations of the earth to sacredly avoid all legislation for the special benefit of any sect or denomination.

Even in these later days the ominous warning comes from the neighboring Dominion of Canada, now threatened with war and disruption because of the formidable effort of the general Government to compel the Province of Manitoba to set aside a portion of the public revenue for the benefit of sectarian schools.

My ancestors centuries ago gave up their lives among the rugged hills of old Scotland, fighting for civil and religious liberty and the absolute separation of church and state, and their descendants have never wavered to this hour in their loyalty to the principle for which they died.

As a descendant of that race, with a right to be heard in this Legislature of the greatest Government ever framed by man, I can not refrain from raising my voice in protest against the un-American legislation proposed by this bill as it comes from the committee and urging you, my countrymen, to support the thoroughly American amendment proposed by the gentleman from Michigan.

[Here the hammer fell.]

Mr. LINTON. How much more time have we remaining?

The CHAIRMAN. The gentleman from Michigan has two minutes remaining.

Mr. LINTON. I yield one minute to the gentleman from North Carolina [Mr. PEARSON].

Mr. PEARSON. I use the one minute allotted me simply to withdraw the amendment that I offered, increasing this appropriation, in order to make sure that these schools should not be closed. I withdraw the amendment, because I have listened with a great deal of pleasure to the gentleman from New York [Mr. WALSH], who says that these schools will not be closed, whether the Government appropriates or does not appropriate one cent for their support. In that event I shake hands with him, and am very glad thus to terminate this delicate and disagreeable discussion. [Applause.]

Mr. LINTON. Now, Mr. Chairman, I ask unanimous consent that the time be extended five minutes on each side. The gentleman from New York [Mr. SHERMAN] has already consented to that.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time for this debate be extended ten minutes, five minutes on a side. Is there objection?

There was no objection.

Mr. LINTON. I yield the remaining time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. How much time does the gentleman yield to me?

Mr. LINTON. The remaining time, about six minutes.

Mr. GROSVENOR. Mr. Chairman, I have no feeling about this matter as a partisan or as a sectarian. I do not belong to any church, although my education is that of a Protestant and my practice that of adherence thereto. I have no prejudice against the Catholic Church. I represent a large Catholic population, and one of the very best portions of the population of my Congressional district are members of the Catholic Church. Within the borders of my district is an institution belonging to that church, one of the first of the character west of the Alleghany Mountains. It has sent out some of the very best men that have gone from my section of Ohio. They received their education there. I speak, therefore, from the standpoint of an independent, unprejudiced citizen of my country. I believe the time has come when we can settle this question now and here, and to the entire satisfaction of the people of the country. It is not wise that there should be in this House and upon this appropriation bill an annual contention that more or less drags in that unfortunate subject of discussion, of religious controversy and religious contention. I do not desire that anything shall take place that shall lessen the opportunities of education of the Indian chil-

dren of the country. I quite agree with the gentleman from Minnesota that there is no element to which we must look more hopefully for the ultimate settlement of the Indian question than to the education of the Indian children of the country. Under all the circumstances the Government is pledged to their support and to their education; but now the amendment offered by the gentleman from Michigan [Mr. LINTON] will not in my opinion lessen the opportunity.

I do not concur in the figures stated by the gentleman from South Dakota [Mr. GAMBLE] that it will be necessary to appropriate \$60,000 each to twenty plants for the education of 4,072 children. I do not believe that anything like this number of children will be found in the hands of the General Government for the purposes of education if this amendment is adopted. I quite concur with the gentleman from New York [Mr. WALSH], who has spoken so warmly and so enthusiastically for the church of which he is an honored member. That church never has failed yet to do anything which it undertook to do in this country in a matter of this kind. Other churches might very well copy that church in its pertinacity and determination to achieve the objects of its plans and purposes. So I say there would not be left 4,000 children upon the hands of the Government, for the Catholic Church doubtless would educate as many of them as it could, at least under the circumstances surrounding them. I do not think it will take \$60,000 to establish a plant, as it is called, sufficient for the education of 400 children. There are in the town in which I live more than four times that number of children, and the entire construction of schoolhouses in that town has not cost the half of \$60,000.

So I think that is an exaggerated statement, and very greatly exaggerated; and I believe that if we adopt the amendment offered by the gentleman from Michigan we shall not seriously for any considerable length of time impair the efficiency of the education of the children, and we shall settle this vexed question. I do not believe that the Protestant churches of this country will be benefited by this agitation. I do not believe that the Catholic churches of this country desire this agitation. I do not believe the Catholic churches of this country would press the matter of this appropriation; certainly they would not do it in the light of the fact that it is a constant matter of agitation and aggravation between various communities of the country. I would like to see this question gotten rid of. It is not a question of politics.

The question of a man's religion, the question of the church to which he belongs, the question of his belief or nonbelief, is not a proper question of American politics; and I am willing to try and do a great deal to settle and get rid of any question that is constantly bringing this sort of discussion into the politics of my country. [Applause.] I believe the occasion is ripe; I believe the opportunity is here, and I believe no harm will be done.

Suppose for the first or second year that the full facilities that are offered by these contract schools of sectarian bodies shall not quite be reached, yet there will be better schools than many of us attended. Better, perhaps, than the one I attended for years and years, the building of which did not cost, outside of the labor done by the neighbors, \$25 in money. Therefore I am in favor of this amendment. I believe everything will be accomplished. I do not criticize the committee. They have gone forward on the line that was marked out years ago. They are not to be criticised; but the Committee of the Whole House on the state of the Union have the right to go a little further than we went before and put an end to this whole question.

Mr. SHERMAN. Mr. Chairman, I believe the proposed amendment is subject to the point of order which was reserved, but before asking a ruling on that I wish to say a few words upon the merits of the amendment.

Mr. Chairman, it seems to me that gentlemen have overlooked in the discussion of this question the history of the building up of the contract system. Now, gentlemen of the committee, no single church, no single creed, has been knocking at the door of the Government to obtain contracts for the education of Indian children. They did not come to us originally asking us to make these contracts. The proposition emanated, gentlemen of the committee, from that great soldier and statesman, a former President of the United States, Gen. U. S. Grant. [Loud applause.]

That policy which was entered upon in 1870 has been the policy of the Government from that day until two years ago. Various sects have been encouraged to expend very large sums of money in preparing to educate properly Indian children. It so happens that the Catholic Church has expended more money than any other. They have obtained, in their own way, something like a million and a half of dollars which they have put into plants throughout the States and the Territories to educate these children. They have been encouraged from time to time by the Commissioner and by the Secretary in these expenditures. They have enlarged them. They have put more money into them from year to year; so that it became the established policy of the Government to maintain these schools; and no suggestion was ever made to the contrary until two or three years ago.

Now, Mr. Chairman, it seems to me if it is deemed to be wise on the part of the Government to change this policy, to contract no longer with sectarian or individual schools for the education of Indian children, that policy should not be changed in a minute. These schools should not be stricken down at one fell swoop. We should go at this thing moderately and wisely. The Fifty-third Congress, with that idea in view, I assume, provided for a reduction in the amount to be appropriated for contract schools, and made the further declaration that it was the policy of the Government at the earliest date practicable to do away entirely with contract schools. The Secretary of the Interior was asked to investigate the matter and report how soon these contract schools could be wisely dispensed with, and he has reported that he is satisfied it could be done without detriment to the service in five or six years; and, following that suggestion, your committee has reduced the number that can be contracted for.

Mr. WATSON of Ohio. I will ask the gentleman have you any doubt if this amendment should be carried that these children will be educated?

Mr. SHERMAN. The question is not whether they will be educated or not. It is, Will the United States educate these children; will Congress see that education is provided, or accept a too generous offer by a single denomination. I think that the Government of the United States is too great a Government to accept charity of any church. [Loud applause.] I think we are able to educate the wards of the Government. Now, I want to say, inasmuch as the gentleman has interrupted me there, that I believe the Government should sustain any sect, I do not care what it is, who will reach down and attempt to shed light into the minds of the dusky little wards of the nation. I believe that it should reach out and aid them as far as it can, and having encouraged them year by year for a quarter of a century, it should not in a single moment strike them down, either on account of the children or on account of the church. The Catholic Church has some rights. I am not a Catholic. I am not like my friend from Ohio—a member of no church; I am a member of a Protestant church; but I do say that to me no single creed can point the way to heaven; I do say that any creed is better than no creed, and any one of the different creeds is better than no creed. [Loud applause.] The idea is not, I will say to my friend, to assist any church. We are not trying to assist any church; we are trying to educate these children; but the idea seems to prevail here that this appropriation is for and will be used for the purpose of teaching some particular catechism to the children.

It is not for anything of the kind, let me say. It is to teach them the multiplication table, to teach them how to sew, how to plow, how to plant, and how to reap. That is mainly what this money is to be used for, and they are taught not merely the rudiments, not merely that twice two are four, but the other practical things that are necessary to make them citizens. I think, and the committee after looking the matter over carefully thought, that if these contract schools are to be done away with the wise policy to pursue was that which the former Congress had declared to be the policy of this Government—to eliminate these contract schools gradually and in such a manner as to give us time to provide other means for the education of these Indian children. We can not build schools for 4,000 Indian children in a minute or in a week. Some gentleman suggested a while ago that schools have been built in some localities inside of months. That is undoubtedly so, but we can not build schools for these Indian children scattered all over this vast territory in the same length of time that schools could be built in the district of my friend from Michigan where everything is at hand.

To supersede these contract schools will take time, and if you strike down the existing schools at one fell swoop you will leave 4,000 Indian children without means of education unless, indeed, you accept the charity of a church, and I hope never to live to see the time when this great country will accept the charity of any church, no matter how generously it may be offered. [Applause.] I repeat that unless you make this appropriation these schools will be struck down. Now, gentlemen of the committee, do you want to do that? I do not believe you do. I think we all want to rise in these matters above partisanship and above sects. Let us be men. Let us be fair-minded and manly. Let us do what we believe is right, and when we have done that, go home to our constituents and tell them what we have done, and I believe that every member here will be sustained in taking that position. Gentlemen need not fear in any particular district—for these considerations do come in occasionally, whether we want them to or not—gentlemen need not fear that in any particular district anybody will be stricken down unless he votes in a particular way on a particular measure.

The fair-minded men in every district are in the majority, and, in my judgment, they will sustain any member of this committee or of this House who, with honesty of purpose, exercising the best judgment the Almighty has given him, votes for such measures as will most surely and most quickly promote the public weal and

the public welfare, and the public weal and the public welfare depend in a measure upon educating these natural wards of the Nation and lifting them up from the plane where they now are to a higher plane, where they will be absorbed into the body politic and become good citizens of the Republic. I think that is all I have to say on this subject, Mr. Chairman. I hope that the Committee on Indian Affairs, following out the declared policy of the Government, will be sustained, and that the amendment offered by the gentleman from Michigan [Mr. LINTON] will be voted down. [Loud applause.]

The CHAIRMAN. The Clerk will again report the amendment of the gentleman from Michigan.

The amendment offered by Mr. LINTON was again read as above. [Cries of "Vote!"]

Mr. SHERMAN. What about the point of order, Mr. Chairman?

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. SHERMAN. I think, Mr. Chairman, that the proposed amendment changes existing law.

Mr. HAINER of Nebraska. Mr. Chairman, the point of order comes too late.

Mr. SHERMAN. I reserved the point of order until after the discussion.

The CHAIRMAN. The point of order was reserved; but at any rate the amendment was not in order until after the debate was closed, so the point of order is in time.

Mr. RICHARDSON. I was about to make the point that the amendment could not be offered during the debate.

Mr. SHERMAN. I reserved the point of order, so there can be no question about that. It seems to me that there can be no question, either, that this amendment changes existing law. The existing law is as plain as the nose on anybody's face. In the appropriation bill of last year it was declared what the policy of the Government in this matter was to be. Now, to change from that policy is to change the existing law, and if the amendment of the gentleman from Michigan [Mr. LINTON] is not in violation of that declared policy of the Government I do not know what it means.

Mr. GROSVENOR. Mr. Chairman, the appropriation of last year declared the use that the money there appropriated should be put to. The appropriation bill of this year contains a proviso which changes the provisions of last year by providing that—

The foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

The CHAIRMAN. The amendment authorizes the Secretary to make certain rules and regulations.

Mr. GROSVENOR. That power he has by law. That can not be held to have the slightest effect on the legal character of this amendment. I think the chairman of the Committee on Indian Affairs would probably be wise to permit the vote to be taken upon this amendment rather than upon a proposition to strike out these appropriations entirely.

Mr. SHERMAN. The chairman of the committee must first insist on the point of order being disposed of.

Mr. GROSVENOR. Well, Mr. Chairman, I have said all that is necessary upon the point of order. It can not be claimed that this amendment is new legislation or that it changes existing law on the ground that it confers upon the Secretary of the Interior the power to make rules and regulations for the expenditure of this money.

Mr. SHERMAN. The law as it exists to-day permits the Secretary to make contracts with sectarian schools. The amendment prevents his making such contracts. There can not be any question, it seems to me, upon this point of order. The law before the Chairman of the Committee of the Whole permits the Secretary to make contracts to a limited extent with sectarian schools; the amendment of the gentleman from Michigan proposes to prevent the making of such contracts altogether.

Mr. GROSVENOR. The gentleman from New York [Mr. SHERMAN] can be answered in a single suggestion. Suppose we did not appropriate any money at all now. Would there be any "existing law" to authorize the Secretary of the Interior to make contracts for the next fiscal year? There is the whole question. What is the use of making a proposition which a boy 5 years old knows has not any pertinency or propriety? [Laughter.] That provision in a former appropriation bill which has ceased to operate simply limited or controlled the expenditure of that particular appropriation. The whole thing is completely illustrated by saying that the provision in that law is dead and inoperative unless there is a new appropriation of money.

Mr. SHERMAN. But if there is an appropriation of one cent that law is operative so far as it goes.

Mr. GROSVENOR. No; not at all. That law ceased when that appropriation was expended.

Mr. SHERMAN. Not at all. If that is so, we have no right to make any appropriation at all.

Mr. GROSVENOR. Oh, yes, we have. There is an appropria-

tion, and a good deal of that money is unexpended. The Committee of the Whole has no right to change existing law now upon the hypothesis of the gentleman from New York.

The CHAIRMAN. It appears that the Clerk has not read the whole amendment, which has been somewhat modified since it was first sent to the desk. The amendment will be read as it now stands.

The Clerk read as follows:

On page 49, after the word "Alaska," in line 8, strike out the proviso down to and including "95," in line 14, and insert the following:
"And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools; and the Secretary of the Interior is hereby charged with the duty of raising and administering said appropriation as to carry out said object; and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools."

The CHAIRMAN. The law to which the Chair has been referred, in the appropriation bill for the current year, relates simply by its terms to an appropriation for that year:

The Secretary of the Interior shall make contracts, but only with present contract schools, for the education of Indian pupils during the fiscal year ending June 30, 1896, to an extent not exceeding 80 per cent of the amount so used for the year 1895; and the Government shall as early as possible make provision for the education of Indian children in Government schools: *Provided*, That the foregoing shall not apply to the public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

Now, the point is made that the amendment is simply a limitation on the appropriation in the pending paragraph. The Chair is somewhat in doubt whether the latter portion of the amendment, providing for the making of rules and regulations, does not go further than simply limiting the appropriation. But construing the whole of the amendment together, the Chair is of opinion that the amendment simply limits the use of the appropriation and is not obnoxious to the point of order. The Chair therefore overrules the point of order. [Applause.] The question is on the adoption of the amendment. [Cries of "Vote!" "Vote!"]

The question being taken, there were—ayes 93, noes 64.
So the amendment was adopted. [Applause.]

The Clerk read as follows:

For the purpose of erecting, constructing, and completing suitable school buildings for an Indian industrial school at or near Rapid City, in the State of South Dakota, which buildings are to be constructed under the direction of the Secretary of the Interior, upon plans and specifications to be approved by him, \$25,000; out of which sum the Secretary of the Interior is hereby authorized to purchase not exceeding 160 acres of land near Rapid City, at a cost of not exceeding \$3,000, to be immediately available, upon which said buildings shall be built.

Mr. SHERMAN. On behalf of the committee, I move to amend by inserting after the paragraph just read the provision which I send to the desk.

The Clerk read as follows:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$40,000 for the purpose of erecting additional buildings for the Mount Pleasant Indian School, at Mount Pleasant, Mich.; namely, \$20,000 for the erection of a girls' dormitory and dining hall, \$10,000 for the erection of a schoolhouse: *Provided*, That upon the completion of said buildings, the Secretary of the Interior shall make no further contract for the education of Indian children in sectarian schools in the State of Michigan.

The amendment was agreed to.

The Clerk read as follows:

For support of 150 pupils at the training school at Cherokee, N. C., at \$167 per annum each, \$25,050; for pay of superintendent of said school, \$1,300, and for general repairs and minor improvements, \$1,000; in all, \$27,350.

Mr. PEARSON. I move to amend by inserting after the words "one thousand dollars," in line 14, as just read, the words "and for the completion of the new school building, including sewerage and plumbing, \$2,000."

With reference to this amendment I wish to say that an appropriation of \$3,000 was made by the last Congress for this building. It is now incomplete; there are no sewerage arrangements and no bathing arrangements. These are considered exceedingly important. I trust that the Committee on Indian Affairs will allow this amendment to go through.

The amendment was adopted.

The Clerk read as follows:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., at \$167 per annum each, \$50,100; for general repairs and improvements, \$2,500; for pay of superintendent of said school, \$1,700; in all, \$54,300.

Mr. MEIKLEJOHN. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert after the word "dollars," on page 53, in line 21, the following:
"*Provided*, That from the unexpended balance of any appropriation for this school there shall be paid to any person, firm, or corporation who furnished goods and supplies for such school during the incumbency of Horace R. Chase, superintendent, such amount as shall be found due them by the accounting officers as now provided by law."

Mr. CANNON. Mr. Chairman, if I caught the reading of that correctly I shall be compelled to make the point of order upon it; but I will examine it while the gentleman from Nebraska is addressing the committee, and then determine.

Mr. MEIKLEJOHN. Mr. Chairman, the objection raised by the gentleman from Illinois to the paragraph on page 47, which embodies the same matter included in the amendment now offered, has been eliminated by the striking out of the provision that the claim should be passed upon by the Secretary of the Interior, but provides that it shall be passed upon by the accounting officer of the Government as now provided by law.

Section 2 of Rule XXI provides that no appropriation shall be reported in any general appropriation bill for an expenditure not previously authorized by law.

Expenditures made by this school were authorized by law, and the amendment as now presented, in my judgment, is not in contravention of the rule under which the gentleman from Illinois made the point of order on the paragraph appearing on page 47.

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

Mr. CANNON. I do insist upon it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For support and education of 150 Indian pupils at the Indian school, Pierre, S. Dak., at \$167 each per annum, \$25,050; for pay of superintendent of said school, \$1,500; for general repairs and improvements, \$1,000; in all, \$27,550.

Mr. PICKLER. I offer the amendment I send to the desk.

The Clerk read as follows:

After line 24, on page 55, after the word "dollars," add: "For the construction and furnishing of bath rooms for said school, \$1,000."

The amendment was adopted.

The Clerk read as follows:

For support and education of 100 Indian pupils at the Indian school, Pipestone, Minn., at \$167 per annum each, \$16,700; for pay of superintendent at said school, \$1,200; for general repairs and in improvements, \$500; in all, \$18,400.

Mr. McCLEARY of Minnesota. Mr. Chairman, I offer the amendment that I send to the desk, to come in this paragraph.

The Clerk read as follows:

Insert in line 5, page 56, after the word "improvements," the word "twenty," and at the end of said line change the word "eighteen" to twenty; so that the clause will read "for general repairs and improvements \$2,500; in all \$20,400."

Mr. SHERMAN. I would like to have the gentleman make some explanation as to that amendment. What is the object?

Mr. McCLEARY of Minnesota. We need an enlargement of the school plant there.

This, Mr. Chairman, is the only nonreservation school in Minnesota, and gathers children from all parts of the State. It is unable to supply now an abiding place for them, owing to the crowded condition of the buildings.

The superintendent of Indian affairs is in favor of this increase. It is imperatively demanded, and I trust that it will not be objected to. It is only an increase of \$2,000 over the amount appropriated by the bill.

I ask a vote upon the amendment.

The amendment was adopted.

Mr. PICKLER. Mr. Chairman, in connection with the amendment that was adopted a few minutes ago in regard to the bathroom at Pierre, S. Dak., I desire to have read in my time, or have leave to print, an article relating to the water supply there. As the committee seems to be in a hurry, I ask leave to print it as a part of my remarks.

The CHAIRMAN. The gentleman from South Dakota [Mr. PICKLER] asks leave to print an article in the RECORD. Is there objection?

Mr. RICHARDSON. I should like to ask how long it is?

Mr. PICKLER. It makes two printed pages of a pamphlet which I hold in my hand.

There was no objection.

The article referred to by Mr. PICKLER is as follows:

Engineer Fassett has presented the following paper by Dr. D. W. Robinson, of Pierre, president of the State board of health, descriptive of the artesian well at the Indian industrial school in that city, and asked that the same be spread upon the minutes of this convention:

WELL AT THE PIERRE INDIAN SCHOOL.

This well is 1,191 feet in depth. Measurement shows a flow of water more than 800 gallons per minute. At the exit from the pipe the temperature is 93° F. The pressure by closed test is about 175 pounds. Gas constantly escapes with the water, which readily ignites at the end of the pipe and on the water as it flows from the ditch several yards from the well. This was found to be methane or natural gas. I quote from Prof. A. M. Wright, a teacher in chemistry and an expert, who spent some weeks in investigations here. He says:

"The water that flowed from the well showed a flow in excess of 800 gallons per minute. The temperature, taken several times at different times

in the day, gave a uniform temperature of 93°. These tests were very satisfactory, and showed a remarkable well. But the further test for gas was the most satisfactory and remarkable. It was well known that gas came from the well in quite considerable quantities, but whether it could be readily separated from the water and thus made of practical use seemed to be questioned. A small gasometer of about 2 cubic feet capacity was made. Water from the well was discharged under the gas holder through a three-quarter inch pipe, when the holder immediately began to fill. Several tests were made, and it was found that the quantity of gas held freely in suspension in the water equaled one-sixth the volume of water, thus showing approximately 25,000 cubic feet of gas daily—a very valuable property in a well in a country where a fair quality of soft coal costs from \$8.50 to \$9 per ton. I would say that the tests found the gas especially excellent for heating purposes, being rather deficient in carbon for lighting purposes; the candlepower I should not estimate higher than 12 candle. I did not make a chemical analysis of the water, but I can speak in the most satisfactory terms as to the delight one experiences in bathing in the waters of this well. I never had baths more delightful or invigorating."

Professor Wright is president of the Waterville (N. Y.) Gas Light Company, and his conclusions are of special value, especially in so far as they relate to the gas.

In quality the water is known as mineral saline, so called because it contains large quantities of salts of sodium. The water of this well is distinctly of this class. In this, as in all other waters of the same class, sodium chloride (common salt) is largely in excess. Analysis so far made shows this water to be the strongest yet analyzed, with probably two or three exceptions. The most celebrated waters of this class come from the St. Catherine well of Ontario, Canada, and from its counterpart in Europe, the widely known Kreutz-nack spring in Prussia; in the United States the Hawthorne, Coe, Kissinger, and Saratoga seltzer springs of New York. There are a number of artesian wells more or less celebrated for their medicinal qualities. Among the better known are the Ballston artesian well, Saratoga, N. Y.; Livingston artesian well, Alabama; La Fayette and Lodi artesian wells, of Indiana, and many others. Some of these are utilized for baths and medical use internally. Congress, Saratoga seltzer, Carlsbad, and many others are bottled and sold everywhere by druggists.

In this connection I submit the analysis of Prof. E. T. Eaton, chemist of the Minnesota State Dairy and Food Commission:

Total solids per gallon at 110° F	202.50
Silicæ	1.53
Alumina	Trace.
Sodium carbonate	31.31
Calcium carbonate	5.40
Magnesium carbonate	6.57
Sodium chloride	133.76
Sodium sulphate	4.33
Iron	Trace.

In commenting on the analysis Professor Eaton says: "The solids in solution are more than double the amount in Yellowstone Park Springs, about four times more in quantity than in Vichy, France, and Hot Springs, Colo., and twenty-five times the amount found in the Hot Springs of Arkansas."

Prof. James H. Shepard, of Brookings, also made an analysis, which, although qualitative, seems to correspond with that given by Professor Eaton. Professor Shepard found:

Total solids in tests	3.4888 grains.
Carbonic acid	Small quantity.
Silicæ	Medium quantity.
Sulphuric acid	Trace.
Hydrochloric acid	Very large quantity.
Iron	Trace.
Alumina	Trace.
Calcium	Small quantity.
Magnesium	Small quantity.
Sodium	Very large quantity.

The specimen sent Professor Shepard was carefully confined in a jug immediately after procuring it, which may account for the large amount of volatile matter found. In referring to the examination Professor Shepard said: "When the jug was opened an inflammable gas was given off. As it was burning it gave the flame of methane, or natural gas, which it probably is. In the work for basis, small quantities of calcium, magnesium, aluminum, and iron were found. The principal basis is sodium. The acids appearing in small quantities are carbonic, silicic, and sulphuric. The principal acid is hydrochloric. This water is not identical with other artesian waters that have come to me. This water has a residue of 3.4888 parts per thousand. Most of the other artesian waters have a residue of about 2.4 parts per thousand. I should not be surprised if this water developed medicinal qualities, especially when used as baths, although there is no reason why it may not be used for drinking purposes."

Medicinally, the class of waters to which the water of this well belongs is used internally, and in suitable cases with good results. They are in very general use, and are of special benefit in all catarrhal diseases of the mucous surfaces, especially of the stomach and intestines, and also in congestive disorders of the liver, spleen, abdominal and pelvic organs. When they are thermal or hot, as is the case in the waters of this well, their medicinal value is much increased. There are few, if any, baths more valuable. Elimination is increased both by baths and internal use, hence their curative effect on chronic disorders of the organs of elimination, such as the kidneys and skin. For the same reason they are of marked benefit in rheumatism and other chronic diseases where a more perfect elimination of the effete materials of the body is needed.

With a view to test the qualities of the waters of this well a temporary bath house with three tubs was erected. One of these tubs was at the disposal of those afflicted by disease. Quite a number of cases of different diseases of a chronic character were subjected to treatment, both by baths and of water internally. It was my privilege to have medical supervision of these cases, and although they were comparatively few in number and the facilities insufficient to warrant final conclusion, yet the results were satisfactory beyond my expectation. With proper facilities for bathing and a thorough supervision of its medicinal application, the water of this well will probably rank among the best of its class.

Besides the experiments above referred to, Professor Davis, superintendent of Indian industrial school, had constructed a plunge bath of about 60 feet in diameter. This was done for the purpose of ascertaining the effect upon the afflicted among the pupils in the school. The bath was constructed so that water passed quite rapidly into and out of the bath. It could scarcely be considered a thermal bath, however, as the temperature was materially lowered. Under date of December 14, 1893, Superintendent Davis, in reply to a note of inquiry from me, says: "In reply to your inquiries regarding the healing properties of the artesian well at this school I will say that we have in many instances used it for the various disorders, such as skin diseases, sore

eyes, etc., with which Indian children are so generally afflicted, and always with the most gratifying results. After bathing a few days the sores heal and the skin becomes smooth and clear. We are so satisfied of the curative qualities of the water that we prescribe it for all such cases."

For purposes of irrigation the water seems well adapted. During the past season tests were made upon small fields of both oats and corn. Superintendent Davis has this to say in reference to the matter of irrigation: "The well was drilled for the purpose of irrigating the large school garden, for which use the water seems well adapted, as the yield of crops was very largely increased wherever the irrigation was applied."

These are, in so far as I can ascertain, the principal features of interest regarding this remarkable artesian well.

Further tests and observations may modify these conclusions, but I do not think very materially.

The Clerk, resuming the reading of the bill, read as follows:

SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate \$500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding \$3,000 at any one purchase: *Provided*, That funds herein and heretofore appropriated for construction of artesian wells, ditches, and other works for irrigating may, in the discretion of the Secretary of the Interior, be expended in open market: *Provided further*, That purchase in open market shall, as far as practicable, be made from Indians, under the direction of the Secretary of the Interior: *Provided further*, That the Secretary of the Interior may, when practicable, arrange for the manufacture by Indians upon the reservation of shoes, clothing, leather, harness, and wagons.

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

The Clerk read as follows:

On page 59, line 5, after the word "wagons," add "*Provided further*, That all supplies purchased under the provisions hereof may be delivered at New York City, N. Y., Chicago, Ill., and Omaha, Nebr., under the discretion of the Secretary of the Interior."

Mr. SHERMAN. I shall have to raise the point of order on that amendment that it changes existing law.

The CHAIRMAN. The point of order is sustained.

The Clerk resumed and completed the reading of the bill.

Mr. SHERMAN. On page 51, line 15, the word "seven" should be changed to "nine." An amendment was made appropriating \$2,000 additional.

The CHAIRMAN. Without objection, the amendment indicated by the gentleman will be considered as agreed to.

There was no objection.

Mr. SHERMAN. On the first page of the bill, in line 10, it reads:

For pay of fifty-four agents of Indian affairs.

It should be "fifty-six." Fifty-six are provided for. I ask that the word "four" be changed to "six."

The amendment was agreed to.

Mr. SHERMAN. Mr. Chairman, that completes the bill, except the matter of the Ogden Land Company claim, and as there will be some little discussion on that, I move that the committee rise.

The motion was agreed to.

The committee accordingly 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. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 147) granting a pension to George W. Chase, late private Company B, Twenty-second New York Cavalry;

A bill (H. R. 1785) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the W. H. Wallace Post, No. 66, Grand Army of the Republic, of Eldorado, Kans., and for other purposes;

A bill (H. R. 3698) granting an increase of pension to Mrs. Jane Dulany;

A bill (H. R. 4960) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1897;

A bill (H. R. 1605) granting a pension to Anna Kelley;

A bill (H. R. 4321) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes;

A bill (H. R. 4153) to grant the Fort Smith and Western Coal Railroad Company a right of way through the Indian Territory, and for other purposes; and

A joint resolution (H. Res. 121) calling upon the Secretary of War for certain information in relation to the harbor of Manitowoc, in the State of Wisconsin.

And then, on motion of Mr. DINGLEY (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

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 Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Black Warrior River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs relating to the removal of certain restrictions upon the sale of the allotted lands of the Puyallup Indians in the State of Washington—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. PERKINS, from the Committee on Printing, to which was referred the concurrent resolution of the House (House Con. Res. No. 2) to print 5,000 copies of the Second Special Report of the Commissioner of Labor, reported the same without amendment, accompanied by a report (No. 494); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (House Con. Res. No. 9) authorizing the Secretary of the Treasury to print documents relating to the fur seal, salmon fisheries, and other matters pertaining to the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 495); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House No. 22, reported in lieu thereof a joint resolution (H. Res. 126) to provide for a uniform system of numbering public documents, accompanied by a report (No. 496); which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 65) to print the annual report of the General Superintendent of the Life-Saving Service, reported the same without amendment, accompanied by a report (No. 498); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (House Con. Res. No. 8) directing the Secretary of the Interior to deliver certain copies of the Revised Statutes in force in the District of Columbia, reported the same without amendment, accompanied by a report (No. 499); which said concurrent 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. 3) providing for the printing of 8,000 additional copies of the Eighth Special Report of the Commissioner of Labor, relating to the housing of the working people, reported the same without amendment, accompanied by a report (No. 500); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House, No. 75, reported in lieu thereof the joint resolution (H. Res. 127) to provide for the printing of a digest of the laws and decisions of the courts relating to war claims, and for other purposes, accompanied by a report (No. 501); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ROBINSON of Pennsylvania, from the Committee on

Naval Affairs: The bill (H. R. 1897) for the relief of Julius A. Kaiser. (Report No. 490.)

By Mr. TARSNEY, from the Committee on Military Affairs: The bill (H. R. 5258) granting an honorable discharge to John B. Besler. (Report No. 491.)

The bill (H. R. 1567) authorizing the President of the United States to place Col. David Stewart Gordon, Sixth United States Cavalry, a brigadier-general, on the retired list of the United States Army. (Report No. 492.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 1030) to execute the finding of the Court of Claims in the matter of the claim of John J. Shipman. (Report No. 493.)

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (H. R. 572) for the relief of James Duke. (Report No. 497.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

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

By Mr. FOWLER: A bill (H. R. 6442) to take the United States Government out of the banking business, refund the national debt, reform the currency, and to improve our banking system—to the Committee on Banking and Currency.

By Mr. JENKINS: A bill (H. R. 6443) to amend the pension laws—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6444) to create a court of pension appeals—to the Committee on Invalid Pensions.

By Mr. BREWSTER: A bill (H. R. 6445) to amend the tariff act of August 27, 1894, and to protect the silver-mining industry—to the Committee on Ways and Means.

By Mr. UPDEGRAFF: A bill (H. R. 6446) to abolish the fee system as to United States district attorneys and marshals and substitute salaries, and for other purposes—to the Committee on the Judiciary.

By Mr. CURTIS of Kansas: A bill (H. R. 6447) to prohibit the collection of special liquor taxes from persons other than those who are duly authorized by State laws to traffic in intoxicating liquors—to the Committee on Ways and Means.

By Mr. SHAFROTH: A bill (H. R. 6448) to appropriate \$100,000 for sinking artesian wells in the eastern portion of the State of Colorado—to the Committee on Irrigation of Arid Lands.

By Mr. WHEELER: A bill (H. R. 6449) to grant land to the State of Alabama for the use of the North Alabama Agricultural School, at Athens, Ala.—to the Committee on the Public Lands.

By Mr. TAWNEY: A bill (H. R. 6450) to amend an act granting to the Northern Mississippi Railway right of way through certain Indian reservations—to the Committee on Indian Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 6451) to quiet title and possession with respect to certain located surveyed but unconfirmed private-land claims in the State of Louisiana—to the Committee on the Public Lands.

By Mr. DAYTON: A bill (H. R. 6452) to establish engineering experiment stations in connection with the colleges established in the several States under act of July 2, 1862, and acts supplementary thereto—to the Committee on Naval Affairs.

By Mr. WHEELER: A bill (H. R. 6498) authorizing the town of New Decatur to construct and maintain a pontoon bridge across the Tennessee River at the town of New Decatur—to the Committee on Interstate and Foreign Commerce.

By Mr. DOVENER: A bill (H. R. 6499) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1894," amending the third proviso thereof—to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: A bill (H. R. 6500) for the better regulation of freight and passenger rates on railroads in the Indian Territory—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California: A resolution (House Res. No. 178) directing the Committee on Ways and Means to investigate the question of Japanese manufactures and importations—to the Committee on Ways and Means.

By Mr. SORG: A memorial of the general assembly of Ohio, concerning the election of United States Senators by a direct vote of the people of each State—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6157) for the relief of Paul Leary—Committee on

Invalid Pensions discharged, and referred to the Committee on Claims.

The bill (H. R. 6182) to remove charge of desertion from record of John Mander—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 5982) granting a pension to Elizabeth Roberts, of Fort Scott, Kans.—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 6142) granting a pension to David M. Fuller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 5980) for benefit of James Blackburn—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

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

By Mr. BERRY: A bill (H. R. 6453) for the benefit of Ellen Steevers, of Covington, Ky.—to the Committee on Invalid Pensions.

By Mr. CANNON (by request): A bill (H. R. 6454) for the relief of Mary Bliss, mother of Irvin E. Bliss—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 6455) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6456) for the relief of J. N. Brafford—to the Committee on War Claims.

Also, a bill (H. R. 6457) for the relief of J. L. Brassfield—to the Committee on War Claims.

Also, a bill (H. R. 6458) for the relief of John M. and A. M. Elder—to the Committee on War Claims.

By Mr. DALZELL: A bill (H. R. 6459) granting an increase of pension to George W. Garrison—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 6460) for the relief of James B. Martin—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 6461) for the relief of Freeman W. Peverly—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 6462) for the relief of Richard F. Parker—to the Committee on Military Affairs.

Also, a bill (H. R. 6463) granting a pension to Henry T. Hatfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6464) granting a pension to John S. Dukate, late assistant surgeon, Fifty-third Regiment Indiana Veteran Volunteers—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 6465) granting an increase of pension to Mrs. Olivia Betton—to the Committee on Invalid Pensions.

By Mr. HENDERSON: A bill (H. R. 6466) to increase the pension of George V. Barnard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6467) granting a pension to George L. Barner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6468) to increase the pension of Andrew R. Ladd—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 6469) granting compensation to Joseph Dawson—to the Committee on Claims.

By Mr. HOPKINS: A bill (H. R. 6470) granting a pension to Winnie M. Crissey—to the Committee on Pensions.

By Mr. LEISENRING: A bill (H. R. 6471) for the renewal of letters patent No. 210964—to the Committee on Patents.

By Mr. LEFEVER: A bill (H. R. 6472) granting a pension to Olive M. Lewis—to the Committee on Invalid Pensions.

By Mr. LEWIS (by request): A bill (H. R. 6473) for the relief of James Clark Smith—to the Committee on Claims.

By Mr. MAHON (by request): A bill (H. R. 6474) for the relief of Recknagel & Co.—to the Committee on Claims.

By Mr. MCCREARY of Kentucky (by request): A bill (H. R. 6475) for the relief of William W. Burns—to the Committee on Claims.

By Mr. MILLER of West Virginia: A bill (H. R. 6476) for the relief of Rudolph Staats—to the Committee on Military Affairs.

By Mr. OWENS: A bill (H. R. 6477) for the relief of Dr. D. N. Porter—to the Committee on War Claims.

Also, a bill (H. R. 6478) granting a pension to L. A. Slade—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6479) to increase the pension of Alexander Williamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6480) granting a pension to J. W. Vance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6481) for the relief of Mrs. Emily Oldham—to the Committee on War Claims.

By Mr. PICKLER (by request): A bill (H. R. 6482) for the relief of Joseph B. McCooey—to the Committee on Claims.

Also, a bill (H. R. 6483) granting increase of pension to Thomas D. Walker—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 6484) for the relief of the estate of John H. Peck, late of Burlington, Vt.—to the Committee on War Claims.

By Mr. SORG: A bill (H. R. 6485) to remove the charge of desertion against Hiram B. Bell, private Company F, One hundred and ninety-fifth Regiment Ohio Infantry Volunteers—to the Committee on Military Affairs.

By Mr. STAHL: A bill (H. R. 6486) to correct the military record of William J. Becanan, Company E, One hundred and ninety-fifth Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. WARNER: A bill (H. R. 6487) for the relief of Moses M. Longley—to the Committee on Military Affairs.

Also, a bill (H. R. 6488) for the relief of John B. Ford—to the Committee on Military Affairs.

Also, a bill (H. R. 6489) to grant pension to Samuel L. Busick—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 6490) for the relief of Thomas W. White—to the Committee on Claims.

By Mr. CUMMINGS: A bill (H. R. 6491) for relief of Mary Oulahan, widow of Richard Oulahan—to the Committee on Military Affairs.

By Mr. MAGUIRE: A bill (H. R. 6492) for the relief of certain enlisted men of the naval force of the United States—to the Committee on Naval Affairs.

Also, a bill (H. R. 6493) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 6494) granting a pension to Margaret Brennan—to the Committee on Invalid Pensions.

By Mr. TYLER (by request): A bill (H. R. 6495) granting an increase of pension to Robert Selden—to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 6496) for relief of Ben S. Hamilton—to the Committee on War Claims.

By Mr. CONNOLLY: A bill (H. R. 6497) granting a pension to William C. Estill—to the Committee on Invalid Pensions.

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. BARHAM: Petition of citizens of Humboldt and Trinity counties, Cal.; also petition of Santa Rosa Grange, California, asking protection to agricultural staples by export bounty—to the Committee on Ways and Means.

By Mr. BOWERS: Petition of citizens of San Francisco, Cal., favoring the passage of an export bounty bill—to the Committee on Ways and Means.

Also petition of citizens of Hollister, Cal., for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. BROWN: Petition of citizens of Chattanooga, Tenn., favoring the Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. BRUMM: Four petitions of citizens of Quakake, Pa., protesting against the sectarian appropriations of the Indian appropriation bill, and urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Camp No. 74, Patriotic Order Sons of America; also petition of Camp No. 578, Patriotic Order Sons of America; also petition of Camp No. 264, Patriotic Order Sons of America, in favor of the Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. CANNON: Papers relating to the claim of Mary Bliss, mother of Irvin E. Bliss, for pension—to the Committee on Invalid Pensions.

By Mr. CHICKERING: Petition of Rev. U. M. Babcock, of Watson, N. Y., against the Sunday-observance bill (H. R. 167)—to the Committee on the District of Columbia.

By Mr. COFFIN: Petition of the South Washington Citizens' Association, relating to the destruction of garbage at the foot of South Capitol street—to the Committee on the District of Columbia.

Also, petition of South Washington Citizens' Association, urging the appropriation of a sufficient sum of money to arch over the James Creek Canal open sewer, located in southwest Washington—to the Committee on the District of Columbia.

Also, protest of the South Washington Citizens' Association, against change of route of a street railway company and urging the construction of the proposed bridge across the Eastern Branch—to the Committee on the District of Columbia.

By Mr. COOK of Wisconsin: Petition and papers of William S. Straight, containing names of 175 citizens of Montello and Marquette counties, Wis., asking for an amendment to section 2 of House bill No. 5381, so that if water is allowed to flow from the Wisconsin River through the Fox River the time for such flow of water shall be limited between November 1 and May 1 of each year; also asking for the removal of Grand River locks from said Fox River, they being unnecessary for navigation and drainage to farm lands above said locks—to the Committee on Rivers and Harbors.

By Mr. COOPER of Wisconsin: Remonstrance of citizens of the township of Fulton, Rock County, Wis., against sectarian appropriations of public funds; and petition for submission of a constitutional amendment forbidding such appropriations—to the Committee on the Judiciary.

By Mr. COX: Petition of various churches of Spring Hill, Tenn., for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. COWEN: Petition for the relief of John Biemiller, for certain property seized and consumed by the armies of the United States during the late civil war—to the Committee on War Claims.

By Mr. CRISP: Petition of the American Tribune Soldiers' Colony Company of Fitzgerald, Ga., praying for liberal appropriations for the improvement of the Ocmulgee River, in the State of Georgia—to the Committee on River and Harbors.

By Mr. CRUMP: Protest of William S. Bellows, against the passage of House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by the Paint, Oil, and Varnish Club of New York, praying for the passage of a general bankruptcy law—to the Committee on the Judiciary.

Also, petition of Messrs. H. D. Porter & Co., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of New York: Fourteen petitions of the Woman's Christian Temperance Union, of Johnstown, Charlton, Wagman, Ridge, Rensselaer Falls, St. Lawrence County, Gansevoort, Canton, Ogdensburg, Norwood, West Galway, Parishville, Oliversville, Hermon, and Morley, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, fourteen petitions of the Woman's Christian Temperance Union, of Johnstown, Charlton, Wagman, Ridge, Rensselaer Falls, Gansevoort, Canton, Ogdensburg, Norwood, West Galway, Parishville, Oliversville, Hermon, St. Lawrence County, and Morley, N. Y., against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions adopted at a mass meeting held at Flackville, N. Y., January 26, 1896, protesting against the persecutions of Armenians by the Sultan of Turkey—to the Committee on Foreign Affairs.

Also, a remonstrance of 75 residents of Saratoga Springs, against appropriating public moneys for sectarian undertakings—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of George W. Garrison, of Pittsburgh, Pa., for increase of pension, to accompany House bill No. 6459—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Petition and papers in support of claim of Freeman W. Peverly for increase of pension—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Memorial of a mass meeting of citizens of Amesville, Ohio, signed by E. A. Smith, moderator, and T. E. Blandon, secretary, praying for action of Congress in behalf of the Armenians—to the Committee on Foreign Affairs.

By Mr. HAINER of Nebraska: Petition of Memorial Post, No. 151, Grand Army of the Republic, of Shickley, Nebr.; also, petition of H. J. Coats and other ex-Union soldiers of Pleasant Hill, Saline County, Nebr., praying for a service pension and also a pension for Union ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HANLY: Evidence to accompany House bill No. 4190, for the relief of J. D. Armstrong—to the Committee on Claims.

By Mr. HARMER: Petition of Champion Council, No. 8, Daughters of Liberty, of Pennsylvania, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENDERSON: Resolutions adopted at the sixteenth annual meeting of the National Farmers' Alliance, held in Chicago December 18, 1895, pledging its influence exclusively for the

present to secure the passage of the antioption bill by the United States Congress—to the Committee on Agriculture.

By Mr. HOOKER: Petitions of the Woman's Christian Temperance Union, of Gowanda and North Java, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, of Gowanda and North Java, N. Y., against the sale of spirituous liquors to immigrants—to the Committee on Immigration and Naturalization.

By Mr. JENKINS: Resolutions of George C. Ginty Post, No. 183, Grand Army of the Republic, of Cadott, Wis., praying Congress to recognize the Cubans as belligerents—to the Committee on Foreign Affairs.

By Mr. KENDALL: Papers relating to the claim of Miss Mary Sheaver, for a pension—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of J. H. Wolsey and 20 others; also, petition of John Hillman and 25 others; also, petition of J. O. Sword and 12 others; also, petition of C. C. Leonard and 22 others, all of Oklahoma, asking for the passage of the free-home bill—to the Committee on the Public Lands.

Also, petition of Phil. Kearny Post, Grand Army of the Republic, of Oskaloosa, Iowa, protesting against bills to remove charges of desertion—to the Committee on Military Affairs.

By Mr. LAYTON: Resolutions of the Pennsylvania Society of the Sons of the Revolution, asking Congress to appropriate a sufficient sum of money and adopt the necessary measures to insure the publication and preservation of the records and papers of the Continental Congress, and comprising official documents relating to the Revolutionary period—to the Committee on Printing.

By Mr. LEISENRING: Petition of a number of citizens of Luzerne County, Pa., asking for the passage of a bill to inspect immigrants by United States consuls—to the Committee on Immigration and Naturalization.

By Mr. LEWIS: Paper to accompany House bill No. 6423, in relation to the claim of John Rogers—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 6423, relating to the claim of Edward F. Gilkey—to the Committee on Military Affairs.

By Mr. LINTON: Petition of citizens of Watrousville, Mich., for the passage of joint resolution (H. Res. 11), to amend the Constitution of the United States, and prohibiting appropriations to institutions under ecclesiastical control—to the Committee on Appropriations.

By Mr. LIVINGSTON: Paper to accompany a joint resolution providing jail accommodations for Federal prisoners in the northern district of Georgia—to the Committee on the Judiciary.

By Mr. LOUD: Resolution of the San Francisco Chamber of Commerce, relating to the naval training station at San Francisco, Cal.—to the Committee on Naval Affairs.

Also, petition of shipowners of San Francisco, against the passage of House bills Nos. 1227 to 1233, inclusive—to the Committee on the Merchant Marine and Fisheries.

By Mr. MAHON: Petition of Washington Camp, No. 665, Patriotic Order Sons of America, of Quincy, Pa., praying for the passage of the Stone bill, to restrict immigration—to the Committee on Immigration and Naturalization.

By Mr. McCLEARY of Minnesota: Resolutions of the Minneapolis (Minn.) Board of Trade, in relation to the Union Pacific Railroad—to the Committee on the Pacific Railroads.

By Mr. McRAE: Statement of Dr. J. H. Weaver, to accompany House bill No. 6105, for the relief of D. J. Smith—to the Committee on Pensions.

Also, testimony of Dr. W. H. Dickenson, J. W. Hunter, and J. R. Wakeley, to accompany House bill No. 3784, for the relief of Nathan Eldridge—to the Committee on Pensions.

By Mr. MEREDITH: Petition of F. M. Brabham, of Washington, D. C., asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILLER: Petition and papers to accompany House bill for the relief of Rudolph Staats—to the Committee on Military Affairs.

By Mr. MORSE: Petition of George H. Varce and 6 other citizens of Spring Valley, Minn., praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MOODY: Petition of W. C. Cuseck and 47 others, for the establishment of a life-saving station at Salisbury Beach, Massachusetts—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, February 25, 1896.

By Mr. MURPHY of Illinois: Petition of 50 citizens of Du Quoin, Ill., protesting against the appropriation of public funds by Congress to institutions and undertakings belonging wholly or in part to religious sects—to the Committee on Appropriations.

Also, petition of 100 citizens of Percy, Ill., protesting against the appropriation of public funds by Congress to institutions and undertakings belonging wholly or in part to religious sects—to the Committee on Appropriations.

By Mr. NOONAN: Petition of ex-Union soldiers residing in the State of Texas, favoring an amendment to the pension law—to the Committee on Invalid Pensions.

By Mr. PERKINS: Preamble and resolutions of the Commercial Association of Sioux City, Iowa, with reference to the Sioux City and Pacific Railroad—to the Committee on Pacific Railroads.

Also, petition of C. E. Smith, of Onawa, Iowa, in behalf of pension legislation in the interest of ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. PICKLER: Petition of ex-Union soldiers residing at Paw Paw, Ind. T., and vicinity, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Artha Post, No. 41, Clarendon, Ark., asking the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. POWERS: Paper to accompany House bill No. 5350, to correct the military record of John Hanlin—to the Committee on Military Affairs.

By Mr. RAY: Petition of the Woman's Christian Temperance Union of West End, Broome County, N. Y., against the sale of spirituous liquors to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of West End, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: Petition of citizens of New London and Lebanon, Conn., in favor of House bill No. 58, for the inspection of immigrants by the United States consuls—to the Committee on Immigration and Naturalization.

Also, petition of Bridgeport (Conn.) Board of Trade, favoring sufficient appropriations to make a permanent harbor of refuge of Great Salt Pond, at Block Island, R. I.—to the Committee on Rivers and Harbors.

Also, petition of soldiers of Colchester, Conn., who were volunteers in the forlorn hope at Port Hudson, for appropriation to give them the medals promised by General Banks—to the Committee on Military Affairs.

By Mr. SIMPKINS: Petition of executive committee of Cotton Manufacturing Association at Fall River, that the provisions of immediate transportation act of 1880 be extended to the city of Fall River, Mass.—to the Committee on Interstate and Foreign Commerce.

By Mr. SORG: Papers to accompany House bill for the relief of Hiram B. Bell—to the Committee on Military Affairs.

Also, resolutions adopted by the Montgomery County Farmers Institute, held at Vandalia, Ohio, February 6, 1896, for amendment to the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHL: Petition of Alfred Flury Post, No. 558, Grand Army of the Republic, Manchester, York County, Pa., in favor of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Betsy Ross Council, No. 119, Daughters of Liberty, of Gettysburg, Pa., in favor of the passage of the William A. Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TRELOAR: Resolution from Grand Army of the Republic, Post No. 320, located at Hermann, Mo., indorsing House bill No. 1196—to the Committee on Invalid Pensions.

By Mr. TYLER: Petition of E. R. Selden, for an increase of pension—to the Committee on Pensions.

By Mr. WANGER: Petition of Graham Post, No. 106, Grand Army of the Republic, and of 71 veterans of Pottstown, Pa., for the passage of a service and a prisoner-of-war pension act—to the Committee on Invalid Pensions.

Also, resolution of the Pennsylvania Society of the Sons of the Revolution, in favor of the publication by the Government of the records of the Revolutionary period—to the Committee on Printing.

By Mr. WHEELER: Petition of A. M. Simmons, of Huntsville, Ala., in favor of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. WOOMER: Petition of Harrison A. Kulen and 25 other citizens of Duncannon, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of John M. Rauch, postmaster at Manada Hill, Pa., and 75 other citizens, in favor of a bill to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

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

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

PUBLIC LAND SUITS.

Mr. DAVIS. I desire to enter a notice of a motion for a reconsideration of the vote by which the Senate yesterday afternoon passed the bill (H. R. 5474) to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes. I wish to examine the bill and the report.

The VICE-PRESIDENT. Notice of the motion will be entered, as indicated by the Senator from Minnesota.

Mr. DAVIS subsequently said: Information received since I gave notice of a motion to reconsider House bill 5474 a few moments ago induces me to withdraw the notice of that motion. I ask consent to do so.

The VICE-PRESIDENT. Without objection, the notice of a motion to reconsider is withdrawn.

PETITIONS AND MEMORIALS.

Mr. QUAY presented a petition of the board of managers of the Pennsylvania Society of Sons of the Revolution, praying for the publication by the Government of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

He also presented a memorial of the Universal Peace Union, remonstrating against the appropriation of moneys for coast defenses, for the increase of the Army and Navy, and for the organization of the militia of the United States; which was referred to the Committee on Appropriations.

He also presented a petition of the Manufacturers and Producers' Exchange and the Chamber of Commerce of San Francisco, Cal., praying for the appointment of a commission to examine and report upon Japanese manufactures, importations, and the export trade; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the purchase by the Government of the Chesapeake and Delaware Canal; which was referred to the Committee on Commerce.

Mr. SEWELL presented a petition, in the form of resolutions adopted at a mass meeting of citizens of Crosswicks, N. J., praying for the enactment of legislation granting protection to American citizens in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented a petition of Aaron Wilkes Post, No. 23, Grand Army of the Republic, of Trenton, N. J., praying for the enactment of legislation for the restoration of the grade of Lieutenant-General in the United States Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Lyon Post, No. 10, Grand Army of the Republic, of Vineland, N. J., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

Mr. PEPPER presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the enactment of legislation raising the age of consent in the District of Columbia to 18 years; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the enactment of legislation providing for the enforcement of the compulsory educational law; which was referred to the Committee on the District of Columbia.

Mr. NELSON presented resolutions adopted at a regular meeting of the Board of Trade of Minneapolis, Minn., relative to the readjustment of the affairs of the Union Pacific Railway; which were referred to the Committee on Pacific Railroads.

He also presented a petition of the Commercial Club, of Minneapolis, Minn., praying for the establishment of a subtreasury in that city; which was referred to the Committee on Finance.

Mr. BACON presented a petition of sundry citizens of Monroe, Ga., praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.