

By Mr. R. H. M. DAVIDSON: Petition of sponge fishermen of Florida, praying that sponges be not placed on the free-list—to the Committee on Ways and Means.

By Mr. DINGLEY: Memorial of committee of Maine forestry convention, for certain information to be furnished by the next census—to the Select Committee on the Eleventh Census.

By Mr. GEAR: Petition of B. F. Brown and 16 others, citizens of Washington County, Iowa, asking for the passage of the Sunday-rest bill—to the Committee on the Judiciary.

By Mr. J. S. HENDERSON: Petition of J. F. Rogers and 18 dealers in tobacco, of Oxford; of N. E. Wagstaff and 61 citizens of Person County; of G. L. Smithson and 27 citizens and firms, of Henderson; of A. E. Conrad, of Forsythe County; of J. M. Bennett and 54 others, citizens of North Carolina; of C. F. Cline and 26 others, citizens of New Hill; of D. M. Miller and 11 firms, of Salisbury; and of Thomas B. Fleming and others, citizens of North Carolina, asking for the repeal of the internal-revenue taxes on tobacco—to the Committee on Ways and Means.

By Mr. LIND: Memorial of the St. Paul (Minn.) Chamber of Commerce, asking for the opening of the Sioux Indian reservation in Dakota—to the Committee on Indian Affairs.

By Mr. MACDONALD: Petition of citizens of Willmar, Minn., against Sunday work—to the Committee on the Judiciary.

By Mr. McMILLIN: Petition of estate of Sarah C. Smith, late of Wilson County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Resolutions of the Grape-Growers and Wine-Makers' Association of California, in favor of legislation permitting the use of free grape spirits in the fortification of sweet wines—to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of San Francisco, Cal., for an appropriation for the publication of a monthly pilot chart of the Pacific Ocean—to the Committee on Appropriations.

Also, memorial of the Chamber of Commerce of San Francisco, Cal., in favor of a relief station in the Arctic—to the Committee on Commerce.

Also, resolutions of George H. Thomas Post No. 2, Grand Army of the Republic, of California, in favor of the appointment of James A. Waymire as a member of the Board of Managers of the National Home for Disabled Soldiers—to the Committee on Military Affairs.

Also, resolutions of the Veteran Home Association of California, for the same—to the Committee on Military Affairs.

By Mr. O'DONNELL: Petition of 119 citizens of Branch County, Michigan, in favor of a law prohibiting Sunday work in certain departments of the Government—to the Committee on the Judiciary.

By Mr. PENINGTON: Petition of citizens of Sussex County, Delaware, in relation to the appropriation for an inland water way from Assawoman Bay to the Delaware Bay—to the Committee on Rivers and Harbors.

By Mr. PERKINS: House concurrent resolution of the Legislature of Kansas, asking for legislation to prohibit the formation of trusts to control the market supplies of the country—to the Committee on Manufactures.

Also, house concurrent resolution of the Legislature of Kansas, asking for the passage of House bill No. 11697, for the relief of settlers on certain public lands—to the Committee on the Public Lands.

By Mr. VOORHEES: Memorial of the Bar Association of Washington Territory, for an appropriation for the purchase of text-books and reports for the use of the supreme court of the Territory—to the Committee on Appropriations.

Also, petition of sundry citizens of Chatteroy, of Satsop, of Skamokawa, of Samish, of Elma, of Orting, of Seattle, of Utsaladdy, of Hoquiam, of Hot Springs, of Mount Vernon, of Cosmopolis, of Vancouver, of Brookfield, of La Camas, of Marysville, of Woodland, of Neah Bay, of Ainslie, of Elberton, of Chehalis, of Snohomish, and of Melrose, Washington Territory—to the Committee on the Territories.

By Mr. WHEELER: Petition of George W. Stutts and of Charles Posey, of Lauderdale County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAMS: Petition of Emil von Langendorff, Company G, Fifty-eighth Regiment Ohio Infantry Volunteers, for an original pension—to the Committee on Invalid Pensions.

The following petitions praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOUTELLE: Of Alden Chandler and 76 others, of Presque Isle, Me.

By Mr. CROUSE: Of Levi Marshall and 66 others, of Akron, Ohio.

By Mr. DORSEY: Of C. A. Mills and 84 others, and the Woman's Christian Temperance Union, of Diller, and of E. F. Stephens and 50 others, of Crete, Nebr.

By Mr. GIFFORD: Of E. H. Pierce and 115 others, of Grafton; of George P. Lilleberg and 67 others, of Hillsborough; of William Halli-

day and 64 others, of Sanborn, and of J. M. Gardner and 34 others, of Postville, Dak.

By Mr. LONG: Of Henry B. Raymond and 147 others, of East Weymouth; of John Reed and 48 others, of Hull, and of Josiah Cushman and 69 others, of Abington, Mass.

By Mr. MACDONALD: Of citizens of Wilmar, Minn.

By Mr. MORSE: Of John W. Ballentine and 144 others, of Boston, Mass.

By Mr. NELSON: Of H. F. Witley and 64 others, of Carsonville, and of James A. Morris and 101 others, of Sauk Centre, Minn.

By Mr. ROCKWELL: Of R. F. Parker and 112 others, of Westfield, Mass.

By Mr. RYAN: Of John M. Bloss and 193 others, of Topeka, Kans. Also, of A. Dieush and 226 others, of Topeka, Kans.

By Mr. J. E. RUSSELL: Of John Goldbraith and 596 others, of Worcester; and of E. C. Ingalls and 122 others; and the Woman's Christian Temperance Union, of Brookfield, Mass.

By Mr. T. L. THOMPSON: Of R. W. Williamson and 7 others, of Freestone, Cal.

By Mr. VANDEVER: Of John Kelshaw and 42 others, of Paso Robles, Cal.

By Mr. VOORHEES: Of John Reese and 44 others, of Ewartsville, Wash.

The following petition against the passage of the international copyright bill was received and referred to the Committee on Patents:

By Mr. WILLIAMS: Of W. F. Albright & Sons and others, of Easton, Ohio.

SENATE.

TUESDAY, January 29, 1889.

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

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

SOLDIERS' HOME AND ECKINGTON RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in response to a resolution of January 23, 1889, certain information in regard to the Soldiers' Home and Eckington Railroad Company, and stating that the records of the District of Columbia show that that company is in no way indebted to the District of Columbia; which was ordered to lie on the table, and be printed.

ELECTRIC LIGHTING OF SENATE WING.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Architect of the Capitol; which was read, referred to the Committee on Appropriations, and ordered to be printed:

ARCHITECT'S OFFICE, UNITED STATES CAPITOL,
Washington, D. C., January 28, 1889.

SIR: In obedience to the law approved February 1, 1888, I have the honor to state that I have caused an estimate to be made for the probable cost of extending and completing the electric-lighting plant in the Senate wing of the Capitol. I find that this may be furnished, including the fixtures, for the additional sum of \$30,000.

Very respectfully, your obedient servant,

EDWARD CLARK,
Architect United States Capitol.

Hon. JOHN J. INGALLS,
President *pro tempore* United States Senate.

HOUSE BILLS REFERRED.

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

- A bill (H. R. 917) for the relief of Julianna Muller;
- A bill (H. R. 3167) granting a pension to Elizabeth L. Nott;
- A bill (H. R. 3794) granting a pension to Elias J. Kenaday;
- A bill (H. R. 4825) granting a pension to Dorothea Ruoff;
- A bill (H. R. 5807) granting a pension to John McCool;
- A bill (H. R. 6314) increasing the pension of Lyman D. Green;
- A bill (H. R. 6893) granting a pension to Ellen Edwards;
- A bill (H. R. 7827) granting a pension to George W. Dickinson;
- A bill (H. R. 8406) to authorize the Secretary of the Interior to place the name of Cara Curtis on the pension-roll;
- A bill (H. R. 8482) granting a pension to Mrs. Elvira Parish;
- A bill (H. R. 9110) granting a pension to Martha J. Warren;
- A bill (H. R. 9179) granting a pension to W. B. Green;
- A bill (H. R. 10426) granting a pension to Otho G. Hendrix;
- A bill (H. R. 10691) to increase the pension of Mary A. Bedel;
- A bill (H. R. 10922) granting a pension to William Harper;
- A bill (H. R. 10951) granting a pension to Mary Van Olmhausen;
- A bill (H. R. 10975) granting a pension to John H. Starr;
- A bill (H. R. 10976) granting a pension to William L. Wilson;
- A bill (H. R. 10977) granting a pension to John J. Brown;
- A bill (H. R. 11091) granting an increase of pension to Mrs. Mary S. Jewell;

A bill (H. R. 11566) granting a pension to Elisha C. Paschal;
 A bill (H. R. 11714) to provide increase of pension to James Waters, formerly of Captain Weatherby's company of Pennsylvania Militia, war of 1812;
 A bill (H. R. 11736) granting a pension to Margaret M. Nugent;
 A bill (H. R. 11737) granting a pension to Rebecca D. Vedder;
 A bill (H. R. 11803) granting a pension to Henry V. Bass;
 A bill (H. R. 11861) to place the name of James H. Tolly on the pension-roll;

A bill (H. R. 12014) granting a pension to Irving W. Combs; and
 A bill (H. R. 12381) granting a pension to Mary K. Allen.
 The bill (H. R. 4496) to authorize and empower the Mount Carmel Development Company to draw water from the Wabash River, or its tributaries, in the county of Wabash and State of Illinois, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 257) making an appropriation for payment to the legal representatives of James B. Eads was read twice by its title, and referred to the Committee on Appropriations.

PENSION FOR LOSS OF BOTH HANDS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 379) to allow soldiers and sailors in the United States service who have lost both hands an increased pension; which were referred to the Committee on Pensions.

IMPORTATION OF CONTRACT LABOR.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That in addition to the usual number there shall be printed 10,500 copies of the proceedings, testimony, documents, and consular reports submitted to the select committee to inquire into the importation of contract laborers, paupers, etc., and also the same number of copies of the bill and report of said committee, of which 3,500 copies shall be for the use of the Senate and 7,000 for the use of the House.

REUBEN ASH.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 3283) granting a pension to Reuben Ash; which was, in line 6, before the word "dollars," to strike out "seventy-two" and insert "forty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Reuben Ash, late first lieutenant of Company E, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$45 a month, in lieu of the pension he is now receiving.

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

The amendment was concurred in.

ELLEN WHITE DOWLING.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1481) granting a pension to Ellen White Dowling; which was, in line 6, before the word "dollars," to strike out "25" and insert "12;" 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 Ellen White Dowling, a volunteer nurse in the Army during the war of the rebellion, and pay her a pension of \$12 a month, during life, from and after the passage of this act.

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

The amendment was concurred in.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a resolution of the Kansas Legislature, urging the incorporation in the law providing for the census of 1890 of a provision directing the enumeration of all the surviving soldiers and sailors, showing their age, with name of company and regiment and length of term of service; which was ordered to lie on the table.

He also presented a resolution of the Ohio Commandery of the Loyal Legion, urging the speedy publication of the Official Records of the War of the Rebellion; which was referred to the Committee on Military Affairs.

He also presented the petition of A. B. Quinton and 145 others (81 voters and 65 women), citizens of Topeka; the petition of A. Dieust and 226 others (53 voters and 174 women), citizens of Topeka; the petition of Horace Kelsey and 42 others (22 voters and 21 women), citizens of Ottawa; the petition of Joseph Denison and 11 others (2 voters and 10 women), citizens of Manhattan and Tecumseh Counties; the petition of D. C. Frazer and 86 others (37 voters and 50 women), citizens of Clifton; and the petition of H. S. Heath and 61 others (25 voters and 37 women), citizens of Muscotah, all in the State of Kansas, praying for submission to the States of a prohibitory constitutional amendment; which were ordered to lie on the table.

Mr. FRYE presented the petition of Joseph D. Emery and 146 others (70 voters and 77 women), citizens of Caribou, Me., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. FRYE. I present the memorial of Francis Frederick Millen, a citizen of the United States, with interests in Venezuela, remonstrating against the aggressions of Great Britain in that country to the insecurity of American interests by reason thereof, with a prayer that Congress shall take without delay such powerful and efficient action as in their judgment will remove the particular and oppressive grievances complained of. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BUTLER presented a concurrent resolution of the Legislature of South Carolina, urging that an appropriation be made for the payment of French spoliation claims; which was referred to the Committee on Appropriations.

He also presented a petition of the National Woman's Christian Temperance Union, department of Sabbath observance, praying for legislation prohibiting the running of interstate Sunday trains and mail trains, and forbidding military drills on the Sabbath, signed by 75 citizens of South Carolina; which was referred to the Committee on Education and Labor.

Mr. SAWYER presented the petition of W. J. Musgrove and 163 others (101 voters and 63 women), citizens of Drayton, Dak.; and the petition of James Thompson and 68 others (40 voters and 29 women), citizens of Neche, Dak., praying for the submission to the States of a prohibitory constitutional amendment; which were ordered to lie on the table.

Mr. PALMER presented petitions collected by the National Woman's Christian Temperance Union, department of Sabbath observance, the Illinois Sabbath Association, the American Sabbath Union, etc., containing 153 individual signatures of citizens of Michigan, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. DAVIS presented the petition of A. Richardson and 19 others (10 voters and 10 women), citizens of Ramsey, Minn., and petitions of citizens of Minneapolis, Sherburne, Crookston, Sauk Center, Freeborn, Lynn Moss, Cannon Falls, Dover, Le Seur, and Stanton, all in the State of Minnesota, praying for a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented a petition of 665 citizens of Minnesota, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. SPOONER presented the petition of Elijah Farill and 56 others (22 voters and 35 women), citizens of Lake Mills, Wis., and the petition of Wilhelm Fritz and 116 others (60 voters and 57 women), citizens of Cass and Ransom Counties, Dakota, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. HALE presented a petition of 188 citizens of Maine, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. CAMERON presented a petition of officers of the Woman's Christian Temperance Union of the State of Pennsylvania, representing 20,000 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Philadelphia Board of Trade, praying for the passage of what is known as the naval-reserve bill; which were referred to the Committee on Naval Affairs.

Mr. SAULSBURY presented a petition of the officers of the Woman's Christian Temperance Union of Delaware, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. WILSON, of Iowa, presented a resolution adopted by 12 citizens of Iowa, indorsed by the Cedar Township Temperance Union of 70 members, in favor of the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. CHANDLER. I present the petition of Randy Jenckins and 513 other citizens, residents of the county of Orangeburgh, South Carolina, and the voting precinct of Orangeburgh, stating that they were deprived of their right to vote for Presidential electors and member of Congress on the 6th day of November, 1888, at that election precinct. They state that they made every reasonable effort to become qualified to vote according to the registration laws of the State, but have been denied an equal chance and the same opportunity to register as are accorded to others of their fellow-citizens. Wherefore the petitioners pray Congress to investigate the facts and the practical workings of the registration and election laws of the State of South Carolina and devise some means to secure to them the free exercise of the right guaranteed to them by the constitution of the State of South Carolina and the laws and Constitution of the United States. I move the reference of the petition to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. DAWES presented a resolution adopted by the Military Historical Society of Massachusetts, relative to the publication of naval records of the war of the rebellion; which was referred to the Committee on Appropriations.

He also presented the petition of farmers in the township of Ashland, Middlesex County, Massachusetts, praying for more effective

protection to the agricultural interests of the country; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of William Leonard and 92 others, voters of Salem, Mass., praying for a submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. PLUMB presented the petition of C. H. Strong and 167 others (84 voters and 84 women), citizens of Garnett, Kans.; and the petition of Ira Weaver and 132 others (82 voters and 51 women), citizens of Downs, Kans., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. PAYNE presented petitions of citizens of Marietta, Lower Salem, Waverly, and Hicksville, in the State of Ohio, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. MANDERSON presented a memorial of citizens of Luce, Nebr., remonstrating against the passage of House bill 4982, in relation to pension fees; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3634) granting a pension to Mrs. Fancy Smith, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6018) for the relief of George Campbell, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 3785) to authorize the Secretary of War to cause to be mustered William P. Atwell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CANNON FOR SOLDIERS' HOMES.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (H. R. 6105) donating two 6-pound brass cannons to the Illinois Soldiers and Sailors' Home, has instructed me to report it back recommending its passage with an amendment, in the nature of a substitute, providing for furnishing obsolete serviceable cannon to soldiers' homes, both national and State. I ask that present action may be had upon the bill. It will only take a moment, and it is important that it should get through.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the bill reported by him may be now considered. It will be read at length for information.

Mr. COCKRELL. It will only take a moment.

Mr. HALE. If it leads to no debate, I shall not object.

Mr. COCKRELL. It will not lead to debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and insert:

That the Secretary of War be, and hereby is, authorized and directed, subject to such regulations as he may prescribe, to deliver to any of the National Homes for Disabled Volunteer Soldiers already established or hereafter established, and to any of the State homes for soldiers and sailors either now or hereafter duly established and maintained under State authority, such obsolete serviceable cannon, bronze or iron, suitable for firing salutes, as may be on hand undisposed of, not exceeding two to any one home.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the furnishing of obsolete serviceable cannon to soldiers' homes."

Mr. COCKRELL. I move that the Senate insist upon its amendment and ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL were appointed.

RAILWAY THROUGH INDIAN TERRITORY.

Mr. JONES, of Arkansas. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3830) to amend an act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February 18, 1888, to report it favorably without amendment. The bill proposes to amend an existing law, and I ask the indulgence of the Senate to have it put on its passage at this time.

Mr. HALE. I desire to go on with the diplomatic and consular ap-

propriation bill, which consumed all of yesterday, and I must object to the consideration of any other bill that will take any time.

Mr. JONES, of Arkansas. This bill is not more than a page in length, and I presume it will not provoke any discussion. If it does I shall withdraw the request.

The PRESIDENT *pro tempore*. The bill will be read at length, subject to objection.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February 18, 1888, be, and hereby is, amended to read as follows:

"That the Choctaw Coal and Railway Company, a corporation created under and by virtue of the laws of the State of Minnesota, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on Red River (the southern boundary line), at the bluff known as Rocky Cliff, in the Indian Territory, and running thence by the most feasible and practicable route through the said Indian Territory to a point on the east boundary line, immediately contiguous to the west boundary line of the State of Arkansas; also, a branch line of railway to be constructed from the most suitable point on said main line for obtaining a feasible and practicable route in a westerly or northwesterly direction to the leased coal veins of said Choctaw Coal and Railway Company, in Tobucksey County, Choctaw Nation, and thence by the most feasible and practicable route to an intersection with the Atchison, Topeka and Santa Fe Railway at the most convenient point between Halifax Station and Ear Creek, otherwise known as the north fork of the Canadian River; with the right to construct, use, and maintain such tracks, turn-outs, branches, and sidings and extensions as said company may deem it in their interest to construct along and upon the right of way and depot grounds herein provided for."

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

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

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 3883) granting a pension to Louisa Rickard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3884) to establish an additional land district in the Territory of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DAVIS introduced a bill (S. 3885) to increase pensions in certain cases; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CALL introduced a joint resolution (S. R. 133) directing a survey of the St. John's River at Jacksonville, Fla.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was referred to the Committee on Claims, and ordered to be printed.

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

LOUISA ROGERS.

Mr. TURPIE. I move that the bill (H. R. 8549) granting a pension to Louisa Rogers be recommitted to the Committee on Pensions for the purpose of correcting a mistake in the company and regiment of the soldier named therein.

The motion was agreed to.

HALL'S OREGON VOLUNTEERS.

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

Resolved, That the Secretary of War be, and he is hereby, directed to cause an investigation to be made into the organization and service of what has been commonly known in Oregon as "Capt. Lawrence Hall's Company of Oregon Volunteers," which, it is alleged, was organized in the early part of the year 1848 for service, and which served in the Indian war in Oregon known as the "Cayuse war;" and to report to the Senate, at his earliest convenience, all the facts relating to such alleged organization, whether of record or otherwise, together with the names of the officers and privates constituting such company.

NAVY-YARD LABOR EXPENDITURES.

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

Resolved, That the Secretary of the Navy be directed to furnish the Senate with a statement of the expenditures for labor in navy-yards for each of the first six months of the present fiscal year from the appropriation for the construction and repair of vessels and from the appropriation for steam-machinery, together with a statement of the unexpended balances of each of the above appropriations on the 1st day of January, 1889.

CRUISER BALTIMORE.

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

Resolved, That the Secretary of the Navy be directed to transmit to the Senate a statement of the nature and extent of the recent accident to the stern of the cruiser Baltimore, describing the damaged parts and any method that has been adopted for repairing the same, together with an account of the cause of the accident.

NAVAL OFFICERS' CLAIMS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered by the Senator from New Hampshire [Mr. CHANDLER] coming over from a previous day, which will be read.

The resolution submitted by Mr. CHANDLER January 25, 1889, was read, as follows:

Resolved, That the Committee on Appropriations be instructed to make inquiry and ascertain the amount of the claims of officers of the Navy which have been already presented and paid and the amount which will probably hereafter be presented for payment for arrears of pay or allowances due such officers, known as the longevity, mileage, and training-ship and receiving-ship claims; and to report said amounts to the Senate with the opinion of the committee whether any legislation is advisable in order to prevent any further allowance of such claims; and also to inquire and report whether or not unusual and improper facilities have recently been allowed in the office of the Fourth Auditor of the Treasury to attorneys or claim agents engaged in presenting training-ship and receiving-ship claims.

Mr. CHANDLER. I desire that the resolution go over another day, in order that I may examine the communication sent in yesterday from the Secretary of the Treasury in relation to the receiving-ship claims.

The PRESIDENT *pro tempore*. The resolution will be passed over, if there be no objection, retaining its place as morning business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes.

ENROLLED BILLS SIGNED.

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

A bill (S. 332) granting a pension to Harrison Wagner;
A bill (S. 2765) granting a pension to Adeline A. Smyth;
A bill (H. R. 538) granting a pension to James Miller; and
A bill (H. R. 11683) for the establishment of light-ships with fog-signals at Sandy Hook, New York Harbor, and off Great Round Shoal, seacoast of Massachusetts, near Nantucket.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT *pro tempore*. If there be no further morning business that order is closed, and the Calendar under Rule VIII is in order.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890.

The motion was agreed to.

DISTRICT JURORS.

Mr. HARRIS. I wish to ask the Senator from Maine if he will allow me to obtain the unanimous consent of the Senate to consider at this time a bill very important to the people of the District of Columbia, changing the jury law of the District. If it leads to debate or to any consumption of time beyond the necessity of reading it and reading a report of one-third of a page in length, I shall not ask further indulgence; but it is important that the bill should go to the other House as early as possible.

Mr. HALE. I will give way for a very short time.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the pending business may be informally laid aside. The Chair hears no objection.

Mr. HARRIS. I ask that Senate bill 3640, Order of Business 2584, be now considered.

The PRESIDENT *pro tempore*. The bill will be stated.

The CHIEF CLERK. A bill (S. 3640) to amend sections 851, 856, 857, 858, 861, and 862 of the Revised Statutes of the United States relating to the District of Columbia.

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

Mr. HARRIS. I believe I shall ask the Senate to allow the report to be read in advance of the bill, because it is explanatory, so that the Senate may understand it.

The PRESIDENT *pro tempore*. If there be no objection, the report will be first read.

The Chief Clerk read the following report, submitted by Mr. HARRIS January 25, 1889:

The Committee on the District of Columbia, to whom was referred the bill (S. 3640) to amend sections 851, 856, 857, 858, 861, and 862 of the Revised Statutes of the United States relating to the District of Columbia, have favorably considered the same, and report it with an amendment in the nature of a substitute. The committee adopts the following report made in the House of Representatives on a bill of like character:

[House Report No. 3794, Fiftieth Congress, second session.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12292) to amend certain sections of the Revised Statutes relating to the jury law in the District of Columbia, submit the following report:

According to existing law, jurors in the District of Columbia serve for a term

of three months. This local provision is unusual and oppressive and results in the excusing of the better class of men from jury service. The bill in question is designed to remedy this evil. It was referred by this committee to the commissioners of the District, who in turn referred it to the supreme court of the District of Columbia. The chief-justice of this court says:

"I enclose find a copy of the bill relating to the jury system of the District. We invited the attention of the Bar Association to the matter, and its committee, after examination, has prepared a substitute, of which I enclose a copy. The judges of this court, or all who are able to do so, have examined the substitute and, I am instructed to say, indorse it, and recommend its adoption and enactment into a law."

This substitute reduces the term of service to one month and is recommended, as has been seen, by the bench, the bar, and the District commissioners. The committee offer this substitute in lieu of the bill, with the recommendation that it pass.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. HARRIS. I ask that the substitute reported by the Committee on the District of Columbia be read without reading the original bill.

The PRESIDENT *pro tempore*. It will be so ordered.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That sections 758 and 759 of the Revised Statutes of the United States relating to the District of Columbia be, and they are hereby, repealed.

SEC. 2. That section 755 of the Revised Statutes of the United States relating to the District of Columbia be, and it is hereby, amended so that it shall read as follows: The supreme court in general term shall have power by rule of court to regulate the period of holding its terms, as also the periods of all the special terms, and to fix the number of such terms, and to alter the same from time to time as public convenience may require.

SEC. 3. That section 872 of the Revised Statutes of the United States relating to the District of Columbia be, and it is hereby, amended so as to read as follows: No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District of Columbia, a tax-payer, over twenty-one and under sixty-five years of age, and a good and lawful man, who has never been convicted of a felony or misdemeanor involving moral turpitude. And the commissioners of the District of Columbia shall furnish to the officers or persons who are authorized to make the list of jurors for service in the supreme court of the District of Columbia, within twenty days after this act shall take effect, and thereafter at least once a year, a list containing the names of the male tax-payers of said District.

SEC. 4. That sections 855, 856, and 858 of the Revised Statutes of the United States relating to the District of Columbia be, and they are hereby, amended so as to read as follows: The term of service of jurors drawn for service in the supreme court of the District of Columbia holding a special term as a circuit court, or to serve as petit jurors in the special term as a criminal court, shall begin on the first Tuesday in each and every month in which jury trials shall be had (and subject to the provisions of section 807) shall terminate on the Monday preceding the first Tuesday of the following month, except when the jury shall be discharged by the court at an earlier day. The term of service of grand jurors in the special term as a criminal court shall begin with each term of that court as fixed from time to time by the supreme court of the District of Columbia in general term, and shall end with such term, unless the jury shall sooner be discharged by the court. At least ten days before the first Tuesday in each month when jury trials are to be had, the clerk shall publicly break the seal of the jury-box, and proceed to draw therefrom the names of twenty-six persons to serve as jurors in such circuit court, and of twenty-six other persons to serve as petit jurors in such criminal court, and at least ten days before the commencement of each special term held as a criminal court the names of twenty-three persons required to serve as grand jurors in such criminal court shall be drawn in like manner.

SEC. 5. That section 866 of the Revised Statutes of the United States relating to the District of Columbia be, and it is hereby, amended so as to read as follows: It shall be the duty of the marshal of the District, at least five days before the beginning of the term of service for which a jury has been selected as provided by law, to notify each person drawn by serving on him a notice in writing of his selection as a juror, of the court he is to attend, and of the day and hour he is to appear.

SEC. 6. That any person who shall have been regularly drawn as a juror, and shall thereupon have served as a juror for the period of twenty days or more, shall be exempt from further service as a juror in the District of Columbia for the period of one year from the beginning of his said term of service, but nothing herein contained shall render such juror ineligible to serve as a juror during said year: *Provided, however*, That no person shall be competent to serve as a juror for two consecutive terms.

SEC. 7. That section 851 of the Revised Statutes of the United States relating to the District of Columbia be, and the same is hereby, amended by striking out therein the words "until otherwise provided by the legislative assembly."

SEC. 8. That section 832 of the Revised Statutes of the United States relating to the District of Columbia be, and it is hereby, amended so as to read as follows: If any persons selected as jurors can not be found, or shall prove to be incompetent, or shall be excused from service by the court, the clerk, under direction of the court, shall draw from the box the names of other persons to take their places. And if after the organization of the jury any vacancies occur therein, they shall be filled in like manner.

SEC. 9. That section 863 of the Revised Statutes of the United States relating to the District of Columbia be, and it hereby is, amended so as to read as follows: If at any time during the impaneling of a jury in any other than a capital case the regular panel, by reason of challenge or otherwise, shall be exhausted before the jury is complete, the court may in its discretion direct the clerk to draw from the box the names of other persons to serve as jurors and cause them to be summoned, or order the marshal to summon as many talemens as may be necessary to complete the jury.

SEC. 10. That this act shall take effect on the 15th day of July, 1889.

Mr. HOAR. It occurred to me on glancing at the bill, and the impression is confirmed by hearing it read, that it is defective in one particular. The fourth section provides that the term of service of jurors drawn, etc., shall terminate on the Monday preceding the first Tuesday of the following month, intending to limit the obligation to jury service to a month or thereabouts. It makes no provision for the case where a jury have been impaneled and a cause has been committed to them which is undisposed of, and they would cease to be lawful jurymen according to the strict letter of this proposed law, although they might be in the middle of a trial.

It happens sometimes that a single cause lasts several months, like the Tichborne case in England and like the Guiteau trial here. I have forgotten how long the trial of Guiteau lasted, but a good many weeks at any rate.

I dare say if the bill become a law as it was reported, the court would, by construction, hold lawful the action of a jury who should complete their dealing with a particular cause committed to them after the month had expired; but it would certainly give rise to a very grave question, and a question upon which the validity of a very important verdict might depend.

I therefore suggest to the Senator who has charge of the bill to accept the proviso at the end of the fourth section which I have drawn.

Mr. HARRIS. I do not think the bill as reported from the committee could be susceptible of the construction suggested by the Senator from Massachusetts, but if there is even a doubt about it, I shall be glad to hear the proviso that the Senator has prepared, because the question ought to be put beyond the possibility of doubt.

The PRESIDENT *pro tempore*. The proposed proviso will be read.
The CHIEF CLERK. It is proposed to add to section 4 the following proviso:

Provided, That when any jury shall have been actually impaneled for the trial of any cause the jurymen composing the same shall be liable to continue in service until they have been lawfully discharged from said cause.

Mr. HARRIS. I have no objection to that amendment.

The PRESIDENT *pro tempore*. The amendment to the amendment will be agreed to, if there be no objection.

Mr. SPOONER. My recollection is that in the parenthesis in the fourth section there is a provision making this change subject to the provision of section 807 of the District Revised Statutes, which covers that subject. I think that is taken care of.

Mr. HOAR. I did not find it.

Mr. HARRIS. The proviso could not be hurtful in any point of view.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

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

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

The title was amended so as to read: "A bill to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia."

Mr. HOAR. There is another serious question connected with the bill which ought to be dealt with by the Senate with some reflection, and that is whether it be a sound public policy to provide that nobody but tax-payers shall be summoned as jurors even where there are other persons not possessed of property who are competent in the way of intelligence and patriotism. The effect of that provision would be to put the jury trials in the District of Columbia very largely in the hands of the citizens of one way of thinking. I should like to test the sense of the Senate by moving to strike out that provision of the bill.

Mr. HALE. The bill is evidently going to give rise to debate.

Mr. HARRIS. If it is going to give rise to debate I can not further ask the indulgence of the Senator from Maine.

The PRESIDENT *pro tempore*. The Chair had announced the passage of the bill, and an amendment of the title was agreed to.

Mr. HOAR. Then I should like to move to reconsider. I think the Senate will reconsider it. I did not understand that the Chair had made the formal announcement.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to reconsider the vote by which the bill was passed.

Mr. HARRIS. I do not object to a reconsideration; I do not want to take any possible advantage of the Senator from Massachusetts; but if we are to consume any time in discussing the matter I can not ask the further indulgence of the Senator from Maine.

Mr. HOAR. It may be that on reflection I shall conclude that I do not desire to press the objection, but I should like to have an opportunity to consider it.

Mr. HALE. Let the matter stand over until to-morrow on the motion to reconsider.

Mr. HARRIS. Let it go over.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. SPOONER. In the mean time I should like to commend to the consideration of the Senator from Massachusetts section 807 of the Revised Statutes relating to the District of Columbia, which I think he will find takes care of the point, to cover which he offered his amendment to section 4.

Mr. HOAR. Unless that is repealed.

Mr. SPOONER. It is not repealed. Section 4 is expressly declared to be subject to the provisions of section 807 of the Revised Statutes.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, the pending question being on the amendment proposed by Mr. GIBSON, in line 10, after the word "of," to insert "ambassadors and;" and in line 11, to strike out "envoys extraordinary

and ministers plenipotentiary," and insert "ambassadors;" so as to read:

Salaries of ambassadors and ministers:
Ambassadors to France, Germany, Great Britain, and Russia, at \$17,500 each, \$70,000.

Mr. STEWART. I should like to inquire of the Senator from Maine having charge of this bill if he knows what are the ordinary salaries and allowances made by Great Britain, France, Germany, and nations of that grade to their ambassadors, and if he proposes to offer a further amendment, in case this amendment should be adopted, increasing the compensation of the ambassadors of the United States so as to give them a corresponding capacity to perform their functions?

Mr. HALE. I can answer the Senator from Nevada very plainly. This is not my amendment, nor the committee's amendment, although I favor it personally. I do not propose to follow it up, if adopted, by any amendment increasing the pay of ministers. I do not think that that follows, as a matter of course, the raising of the rank.

To the question of the Senator in relation to allowances made by foreign nations to their ministers, I answer that that matter does not depend upon the grade of ambassador. Great Britain, Russia, and Germany, indeed all the great powers send nothing but an envoy extraordinary and minister plenipotentiary to the United States, the same rank that our ministers bear accredited to those countries, but they make large allowances to those ministers that we do not make to ours. Each furnishes its minister with a house here to begin with, and some of the best houses in Washington are thus occupied; and they have other allowances in the nature of general funds here and elsewhere, which the United States have never made and perhaps never will make.

So the question of pay does not connect itself necessarily with this amendment. The same men who perform the duties of minister plenipotentiary now would find their duties and their representation of our interests very much accelerated and advanced, as I believe, by conferring the title of ambassador upon them, and there would be no necessary connection between that and increased expenditures.

There is chance enough, as everybody knows, in foreign capitals to spend a great deal of money. If a man who is minister resident, *chargé d'affaires*, or minister plenipotentiary has a fortune, he can spend as much money as he pleases. If he does not he can get along comfortably on what the Government gives him; and it will be the same if he is ambassador.

Mr. SPOONER. Mr. President, the proposition of the Senator from Maine that the title of the representatives of this Government at the four courts designated in this clause of the bill has no relation to the question of compensation has not been the view taken by some of the gentlemen who have as Secretary of State considered the subject. I find in Wharton's International Law Digest a statement from Mr. Frelinghuysen bearing upon the subject, as follows:

The Department can not, under present circumstances, "in justice to its ministers abroad, ask Congress to give them higher rank with their present salaries; neither could it with propriety appeal to Congress for an allowance commensurate with the necessary mode of life of an ambassador."

Further, upon the same subject, Mr. Bayard says:

The question of sending and receiving ambassadors, under the existing authorization of the Constitution and the statutes, has on several occasions had more or less formal consideration, but I can not find that at any time the benefits attending a higher grade of ceremonial treatment have been deemed to outweigh the inconveniences which, in our simple social democracy, might attend the reception in this country of an extraordinarily foreign privileged class.

I was disposed yesterday to vote for the amendment proposed by the Senator from Louisiana, but on reflection I have some doubt about its propriety, though not for the reason suggested by the Senator from Kansas, that it is not in harmony with the simplicity of our democratic form of government. I think this is the greatest Government on the earth, and I believe that next to patriotism there is no more pronounced characteristic of this people than national pride. I believe the American people are entirely willing and anxious that their representatives abroad should be clothed with appropriate official dignity, and I think they are willing, too, that the appropriation made from the Treasury for their support should be adequate to enable them to support and maintain that dignity. The present appropriation seems to me to be inadequate even for the present grade of our ministers. I, when in England a year ago, examined the matter somewhat, and I looked at the houses afforded there by other governments for their diplomatic representatives, and they were far superior in every respect to that which was occupied by the representative of the United States. The comparison was not calculated to inflame the American citizen with much pride, and was not to our advantage.

I should be quite willing myself to vote to make our representatives at each of the courts named, of the highest grade known to the law of nations—an ambassador; but I think coupled with that there should be such an increase in the appropriation as will enable them to maintain within fair and reasonable limits the line of expenditure befitting that grade in the public service. To make our minister an ambassador and leave him with the pay of the subordinate grade, it seems to me would only intensify his humiliation on many occasions. It would charge him with a different scale of social expenditure, reference being had somewhat to the custom prevailing among others of the same grade,

without at the same time affording him the means of meeting that expenditure.

It appears to me if we adopt this amendment, putting an American minister in the highest grade, without making an increase in the appropriation for his support, that the inevitable inference abroad will be one of two: either that we do not understand the grade of expenditure in official and social life that would thereby be made necessary, or that understanding it this nation, which is the richest in the world, is not willing to make the necessary appropriation. As the matter stands even now, and it will be intensified by this amendment, I think no man can afford to accept the position of ambassador to either of these great courts unless he is possessed of a private fortune sufficient, in addition to the salary, to enable him to maintain himself decently, as other officials of that grade do; and the result of that will be (and it is too much so now) that the foreign service in the higher grades will be closed except to men of great wealth, so that no matter how able a man may be, how completely he may possess the genius of diplomacy, how exalted may be his patriotism, how fit he may be in every respect to represent this Government creditably abroad, he will be practically ineligible unless he is a rich man. I have myself been unable to come to the conclusion announced by the Senator from Maine, that the question of pay is a matter of no consequence in this connection.

Mr. HALE. I did not say that it was not a matter of consequence.

Mr. SPOONER. Not a matter of especial consequence.

Mr. HALE. I said that it was not by any means inseparably connected with this amendment in my judgment. I do not think the conferring of this other designation upon these ministers would necessarily result in an unanswerable demand for more salary. Whether they have salaries enough now or not is a question on which I might not disagree with the Senator from Wisconsin, but I do not think this designation will necessarily add anything to their expenses.

Mr. SPOONER. Perhaps it will not, but it ought to. At any rate it seems to have been the opinion of Mr. Frelinghuysen and others that the grade of ambassador calls for a somewhat different expenditure than that of minister resident, and the reluctance which the Secretary announced to urging upon Congress the amendment proposed by the Senator from Louisiana was that it would necessitate an increase in the expenditures, which he did not feel at liberty to press upon Congress. I am very willing myself, as I have said, to vote for an additional appropriation and to put these ministers in the highest grade, because there is a clear distinction between them in point of dignity. I do not know that practically there is so great a difference; but I am not willing to vote to designate the minister an ambassador and yet leave his salary and the appropriation for his support as it is to-day, inadequate, in my opinion, for the support of a minister even of the present grade.

Bearing upon one phase of the discussion of yesterday, if the Senate will permit me, I will read a few words more from this work:

In 1871, when Mr. George Bancroft was minister of the United States at Berlin, the question of his yielding the *pas* at the foreign office in every-day intercourse to representatives of higher grade or longer residence came up for consideration—

Mr. GEORGE. I should like to say to the Senator from Wisconsin that we did not hear his reading over here, and I should be glad if he would enable us to hear the authority.

The PRESIDENT *pro tempore*. The Chair appeals to Senators to be in order.

Mr. SPOONER. I was reading an extract from Wharton's Digest for the purpose of affording the Senate some information of an authentic kind upon the practical question whether an ambassador to these four courts is entitled to greater precedence in obtaining an audience than a minister of the present grade.

In 1871, when Mr. George Bancroft was minister of the United States at Berlin, the question of his yielding the *pas* at the foreign office in every-day intercourse to representatives of higher grade or longer residence came up for consideration. I inclose transcript of a dispatch from Mr. Bancroft, reporting the rule then adopted by Prince von Bismarck. (*Mr. Bayard, Secretary of State, to Mr. Phelps, July 2, 1885. MSS. Inst., Gr. Brit.*)

The rule adopted by Prince von Bismarck, as reported in Mr. Bancroft's dispatch of January 20, 1872, is as follows:

"The chief of a mission who arrives first (at the foreign office) is first admitted, be his rank that of ambassador, minister, or chargé."

That is the rule in Germany, in Russia, and, I think, it is the rule to-day in England.

I will also, although not bearing upon the specific question which I rose to debate only for a moment, which was the propriety of changing this grade without any change in the appropriation for the support of the representative, read this extract from Schuyler's American Diplomacy:

At very many foreign offices the rule "first come first served" is not observed; but an envoy or a minister, though he may have been waiting hours in the ante-room for an important affair, must give place to an ambassador who has come in at the moment; and at Constantinople it is even expected that, should a minister be in conversation with the minister of foreign affairs or the grand vizier, he should withdraw and wait whenever an ambassador may be announced. In some countries a different rule is observed. In Russia it has been for many years the custom for the minister to receive the foreign representatives in the order in which they arrive at his office, without regard to their rank. This rule was brought into force at Berlin, owing to a personal dispute between Mr. Bancroft, our minister, and the British ambassador. Mr. Bancroft, after having waited a long time for an audience, was on one occasion obliged to yield to the British ambassador, who had that moment arrived. As the ambassador was personally disagreeable to the chancellor, and Mr. Bancroft was a friend of

his, a representation of the injustice done to the United States and its representative brought about a change of rule.

I find here also an answer to the question put yesterday by the Senator from Mississippi [Mr. GEORGE], which was differently answered by two Senators on this side of the Chamber, which I will read from the articles adopted at Vienna and at Aix-la-Chapelle.

Mr. DAWES. What is the book?

Mr. SPOONER. I am reading from an excellent work, Wharton's International Law Digest, and these rules, the Secretary of State declares, have been observed by this Government, although this Government was not a party to the convention named:

ART. IV. Diplomatic agents shall take precedence in their respective classes according to the date of the official notification of their arrival.

That is without any regard to the personal rank of the official.

Mr. HALE. That is seniority.

Mr. SPOONER. That is seniority. That is if there are four ambassadors, one a prince, one a duke, another of a different grade of nobility and another a commoner, the order of precedence is not determined by the matter of individual rank, but by the date of official notification of their arrival.

Article VI also relates to the subject:

ART. VI. Relations of consanguinity or of family alliance between courts confer no precedence on their diplomatic agents.

But the point to which I rose to speak, as to which I do not desire to take longer time, is this: It seems to me no remedy of any existing evil, if there be one, to adopt an amendment putting the representative of this Government into the highest grade known to diplomacy, that of an ambassador, and at the same time to limit the appropriation as it is limited in the present bill. I shall vote against the amendment in view of the information just given to the Senator from Nevada [Mr. STEWART] by the Senator from Maine, that there is to be no change in the appropriation.

Mr. DAWES. Mr. President, this question which seemed at one time yesterday to so convulse the Senate, is not a new one, although it appears upon its face simple, whether we shall settle by an enactment that—

That which we call a rose,
By any other name would smell as sweet.

It is an old question. My memory is not very good, but I do not recollect now a consular and diplomatic bill in the other body while I was a member of it or in this that has not raised this very question whether we shall call a man with a distinct official duty by one name or another. I confess that I never could make up my mind to have much sympathy with the movement, and hitherto I have always voted against it. I was a good deal overwhelmed yesterday with the importance of it and at one time I was ready to go back on my record in this matter; but after all, sleeping on it over night, I have come back to the feeling that, however inconvenient it may be for a minister to take a lower seat at the table or stand in a line in the drawing-room farther from the front than his idea of his importance or that of the country he represents may lead him to think he is entitled to, that consideration in my mind does not weigh half so much as the throwing away of the distinctive character of our American institutions. I think more of that consideration wherever it appears, whether at home or abroad, than I do of all these inconveniences, because they are only inconveniences.

They may at the foreign office put off a man for an hour or so, but I have never heard in the record of our diplomacy that we suffered because of it. I do not know why the representative of a little and comparatively insignificant state who has a matter of great importance to present, whether it be involving individual rights or state rights so far as he is concerned, may not have a matter of more importance than our minister, although he does not represent half so big a country. That is a matter of small importance compared to the question whether we are to surrender our individuality, if I may so express it, and mold ourselves little by little into the old-fashioned and hoary ways of institutions that we take pride in having cast behind us forever. Ours has been an effort to start out anew for ourselves in a career of institutions and of power that the Old World never knew of and is incapable of so long as it is hide-bound and compelled to walk in the steps of the centuries that have gone and are buried.

When Benjamin Franklin insisted upon appearing at the proudest and most fashionable court of Europe in the style of the country he represented he was a power, and that power came somewhat from that determination of his to be respected as an individual and not according to the garb in which he appeared, or in the name which this infant giant he represented for the first time had chosen to put upon his mission.

There is to my mind—it may not be to others—something repugnant in this idea of going abroad and losing our individual character, our character as a nation, when we get there, just as it is excessively repugnant to me to see people bring back from the old countries the ways of those people and bang their horses' tails and wear their eye-glasses as was described by my friend from Kansas [Mr. PLUMB] yesterday. I take no pleasure in repeating those things. I have nothing to say about those who desire to do them; but I have a lot and a share in the

responsibility when we enact a thing like this in the laws of this country for the purpose of getting ourselves in the category of those who think that the chief end of man is the position he is assigned by royalty in royal processions.

I do not want to deal in clap-trap, and I am not in the habit of doing it, and it is not to me clap-trap when I see an American citizen going out from this country and insisting upon being an American citizen in his ways and in his talk and in his actions, just as much when he is 3,000 miles away from here, with the ocean between him and the country which requires that of him, just as much. I have a respect for him which I do not have for the man who comes back with his knee-buckles and all that sort of paraphernalia. That is why up to this time I have been unwilling to cast my lot in with this growing disposition to put ourselves on an equality, with whom?

Mr. EDMUNDS. Not with a Papal nuncio, who precedes your ambassador, after all.

Mr. DAWES. By and by this will go on so, if we begin to yield to it, it will grow upon that on which it feeds. When the Pope says that nobody shall be admitted into his presence unless he conforms to certain ceremonies, it may be proper enough for him and those who believe in them, in order that they shall not wait an hour or two. If we shall be required to do that, by and by when we go to Turkey we shall be obliged to array ourselves in the costume of the country. What inspired the statute that said our ministers should appear in foreign courts in citizens' dress but the desire to impress upon our ministers abroad that they were citizens of the United States there as much as here? For one I desire to hold on to it.

I am old-fashioned, I confess, and I confess that I stand in need of that molding influence which men get who travel abroad. I do not know that I shall ever have the benefit of it. But I wanted to explain my vote to-day; and on the whole I am going to maintain my record, to keep so far as I can upon this question the individuality of the diplomacy of the United States, and the less it is like that of other countries the better I am suited with it, in the outside of it as much as the inside of it. I have no desire to have men sent abroad as secret spies upon governments abroad to communicate secretly to our State Department the plans and designs of the nations of the earth so that we can either spring a trap upon them or catch them, as is the custom of all those nations abroad even to this day.

I would carry out the diplomacy of this country abroad and at home in its outward appearance and in its essence in the same open, frank manner that a gentleman meets a gentleman; and when a minister, an official in the diplomatic service of this country abroad, by whatever name he is called, will insist upon it that he is to be met on the plane that gentlemen meet gentlemen, that is all I will ask of him, and it is quite as much, I am afraid, as we shall be able to get unless we stop this paltering about how far we can go and make believe that we belong to that set and that kind of institutions without actually throwing up what we have here at home of which we ought to be proud, proud in its unlikeness—if you will allow me to use that word—to anything else on the face of the earth.

Mr. MORRILL. Mr. President, whether the name of our ministers abroad is changed or not, I think it would be well for us to make an appropriation for several of our missions sufficient to pay for the rentals of the apartments that they have to obtain and which are much dearer abroad than they are in this city. I know that the minister to the court of London has in several instances paid \$10,000 a year for a house that could be obtained here for three or four or five thousand dollars, and it does seem to me that at several foreign courts they ought to have a sufficient sum in addition to their salary to pay for their rental. If a man is to go abroad and take his family and have rooms for his secretaries and clerks, he should have a sufficient amount of money to pay for them, otherwise these high positions will be only occupied by men of wealth.

I know also that several of our ministers who have been abroad, on their return have been very much poorer in purse than they were when they went. The minister from Great Britain here has a salary of \$25,000 and a magnificent house free of rent in addition.

It seems to me that at some of the more important courts, whatever may be done in relation to the designation of our ministers there, some compensation for the rental they have to pay ought to be made to them.

Mr. GEORGE. Mr. President, this seems to be a very important question, I might say a very tremendous question, one in which I suppose the thirty or forty gentlemen who are expecting to be appointed as ministers to represent the United States to the European courts within the next sixty days are taking a very lively interest, and yet one of which, I suppose, the great mass of the American people up to this time have never thought, for I presume that the great mass of the American people, like myself up to the revelations which were made yesterday—revelations to me, certainly—of the superior dignity of ambassadors as compared to ministers plenipotentiary, were entirely ignorant of that distinction.

I had noticed somewhat in the diplomatic history of this country how we had been represented in foreign courts and on the most interesting occasions when the very highest interests of the American people were committed to the hands of our foreign representatives. I had

noticed that our forefathers and even the rulers of the present generation had thought that the interests and the welfare of the American people were entirely safe in the hands of commissioners or representatives who, as I understand now, are entirely inferior in grade to this grade of ambassador. Looking back at the history of our country, at the very first diplomatic act ever performed by the United States of America, which had the effect of securing our existence as a nation, to wit, the treaty between the United States and France, concluded in 1778, by which France guaranteed our independence, I find that the very delicate and responsible duties, the very momentous duties which had been reposed by the old Congress in the men who represented the United States, were committed to men who are designated in that treaty in about this way: "On the part of United States, Benjamin Franklin," not ambassador, but "deputy to the general Congress from the State of Pennsylvania, and president of the convention of the same; Silas Deane, heretofore deputy from the State of Connecticut, and Arthur Lee," simply "counselor at law."

I have not read or heard that any set of representatives of the United States from that day to this have ever performed a more important service to the people of this country than the three gentlemen whose names I have read. That was the act of our forefathers, the old-fashioned act to which the Senator from Massachusetts [Mr. DAWES] alluded and to whose expressions upon that subject I fully subscribe.

Let us go on a little further and see how those old-fashioned ancestors of ours acted on important occasions. I have alluded to the agreement we made with France to guaranty our independence. In 1782 we had an arrangement with Great Britain by which that independence was acknowledged, and I find instead of having these high-sounding and new-fangled names, that that treaty was negotiated by—

John Adams, Benjamin Franklin, John Jay, Henry Laurens, four of the commissioners of the said States for treating of peace, with the commissioner of his said Majesty, on their behalf and on their part.

There in the great act of the provisional articles which recognized our independence and which were afterwards to be in due form incorporated—as I believe they were—*verbatim* in the permanent treaty of peace, we find that we did not need ambassadors; we needed simply commissioners. And when we came to make the definitive treaty of peace with Great Britain, which took place in the subsequent year, 1783, we find that we were represented on the part of the United States by "John Adams, esquire," plain, simple John Adams, esquire, who is also described to be "late commissioner of the United States to the court of Versailles, and late a Delegate in Congress from the State of Massachusetts and chief-justice of said State," and referring to another character which he had, but in which he was not then acting, "minister plenipotentiary of the said United States to their Highnesses the States-General of the United Netherlands," "Benjamin Franklin, esquire," and so on and so on.

So in the great act which resulted in the acknowledgment of our independence as a nation our fathers thought that the United States were sufficiently represented by men who were simply commissioners, simply men to whom had been committed by the United States the duty of negotiating the treaty; and from that day to this the plain republican people of the United States have been satisfied to be represented in European courts by honest, faithful, intelligent, and skillful men, without their having the additional label written upon them, the great name of "ambassador."

Washington had the power to appoint foreign ministers, including ambassadors, and yet, plain republican that he was, he never thought it was necessary either for the interests of the United States or for the comfort and social convenience of those ministers whom he appointed to appoint ambassadors. So with Jefferson, and so with John Adams, and so with all the old men, the old fathers of the Republic.

And, sir, who have been content in the old times to accept this humble, this inferior position, as Senators advocating this amendment claim it to be, this position inferior to ambassador? Who are these men? Among them you will find Henry Clay, you will find John Quincy Adams, you will find old John Adams, you will find Chief-Justice Jay, you will find Albert Gallatin, and many other names the mention of which in any group of American citizens would be received with pride. These men, because they were men and not mere things, represented with honor, with credit all the great interests of the American people in foreign courts in the inferior grade of commissioners and ministers, and so far as I know, and as I believe, not one of them ever complained that the label by which the Government of the United States named him was not of sufficient dignity and honor.

It was asked yesterday, I believe, of the Senator from New York [Mr. EVARTS] if he had ever known an instance in which the interests of the United States had suffered by reason of the fact that our foreign minister was not labeled or named an ambassador, and the Senator answered that he had not. So if there be any motive of advancing the interests of the United States by the change of title, that motive is without sufficient foundation. But, sir, it is said that in the courts of Europe there are questions of precedence and in the settlement of those questions the ambassadors have the advantage of our plain republican ministers, they take a higher seat at the table, they go ahead in processions before royalty, and all that sort of thing. Well, Mr. Presi-

dent. I do not feel much interest in matters of that sort, and I think the historical student, when he casts his eye over all the follies and flummies which have characterized the settlement of questions of precedence between one minister and another, will find there is nothing in all that which should induce the American people to embark in such a matter.

Like my friend from Massachusetts [Mr. DAWES] who addressed us this morning in a speech which I hope he will allow me to indorse in its every word and syllable—I hope he will have no objection to that, because in a matter of that sort a bad indorser can not make bad a good thing—when this great light burst upon my benighted mind yesterday as it did for the first time, that the gentlemen whom we send to Europe in the subordinate and inferior position of simple ministers plenipotentiary were incapacitated to do us all the service that they might do if they had a higher title, I am somewhat surprised at the present situation. Like the Senator from Massachusetts, I see no necessity that we would deliberately by law enact that the rose should be called by some other name. I believe so far there is no proposition to change the character, the function, or the power of the minister, but simply to change the name to give him greater dignity to keep his tender sensibilities from being wounded on state occasions, and especially to keep his democratic—not in its party sense—and his republican sensibilities from being wounded when he is brought in contact with the stars and garters and decorations and all that sort of grand thing, which I do not know much about, which he encounters in the courts of Europe. When I heard all this, I commenced recalling to my mind what little of historic knowledge I had upon this subject, and particularly did I remember, though rather indefinitely, the description by Macaulay of a celebrated diplomatic conference which took place in Europe in the year 1697.

Europe had been agitated, had been harassed by war for years growing out of and fomented by the unrighteous and unhallowed ambition of Louis XIV of France, the Grand Monarque who aimed at autocratic power not only in his own country but in all the states of Europe.

Battle after battle had been fought, fortress after fortress had been besieged, some had fallen and some had resisted successfully. There was a combination against this Grand Monarque, of which the leading spirit was that king of England—and I want to call attention to that—who owed his title to the crown, not to inheritance, not because he was the Lord's anointed, but because he was selected by the people of England for that place, William III. Thus deriving his title to the crown against the old monarchical principle of the indefeasible title of the Lord's anointed, William had somewhat of democratic and republican instincts. He was the head of the coalition. Louis began to be weary of war, and preliminaries were being arranged for a treaty of peace.

Now for the benefit of those gentlemen who insist so much upon etiquette—I believe that is what they call it, etiquette—so much upon the American people observing the forms and conforming to the ridiculous and absurd rules of kingly governments—I propose to read from Macaulay a history of that conference, so that we may see how things are carried on in Europe, and how utterly contemptible they ought to be to republicans, and how utterly inefficient they are to the countries which indulge in them.

This question of precedence was a very large one then, and not only applied to ambassadors and other ministers, but it applied to even the place at which the conference should be had. The French wanted one place and the allies wanted another. Neither would yield the question of precedence, the question of whose wishes were to be consulted about the momentous subject of the place at which a conference should be had. Finally, not being able to agree that the French place should be named or that the allies' place should be named, they made a compromise, and so the French stopped at the Hague and the allies stopped at a little town called Delft. They were five miles apart, and there could be no conference at the distance of five miles. They had no phonographs then, they had no telephones then, they had no telegraph then; and so after having got within five miles of each other the interests, the peace, the happiness, and the welfare of Europe which had been imperiled by this long and disastrous war were about to be sacrificed because on the question of precedence these diplomats could not be got together; and so finally they agreed to meet just exactly half way between the Hague and Delft at a little village called Ryswick. Hence the name of the treaty of Ryswick. Well, that was got over.

What was the next thing done? I must read now, because I can not express the idea so briefly and so perfectly as it is expressed by Macaulay.

I might say, however, that one set of diplomats came in at one gate and another set came in at an opposite gate, and the mediator—they seem to have had a mediator there who was the ambassador of the King of Sweden—came in at a middle gate. They got together at last.

At the first meeting—

Says Macaulay—

the full powers of the representatives of the belligerent governments were delivered to the mediator. At the second meeting, forty-eight hours later, the mediator performed the ceremony of exchanging these full powers.

It took forty-eight hours on a question of dignity and precedence to

exchange papers which might have been exchanged in five minutes. Macaulay continues:

Then several meetings were spent in settling—

The grave—I put that in—and the momentous question which then agitated that select body of men—

how many carriages, how many horses, how many lacqueys, how many pages each minister should be entitled to bring to Ryswick; whether the serving men should carry canes; whether they should wear swords; whether they should have pistols in their holsters; who should take the upper hand in the public walks, and whose carriage should break the way in the streets,

so that there should not be a collision between the carriages of these distinguished ambassadors. They were all ambassadors—every one of them. There was not a diplomat there who was not labeled "ambassador."

It soon appeared that the mediator would have to mediate not only between the coalition—

That was England and the Netherlands and the Austrian Emperor and the King of Spain on the one side, against Louis XIV on the other.

It soon appeared that the mediator would have to mediate not only between the coalition and the French, but also between the different members of the coalition. The imperial ambassadors—

Yes, "imperial ambassadors"—

claimed a right to sit at the head of the table. The Spanish ambassador would not admit this pretension, and tried to thrust himself in between two of them. The imperial ambassadors refused to call the ambassadors of electors and commonwealths by the title of excellency. "If I am not called excellency," said the minister of the elector of Brandenburg, "my master will withdraw his troops from Hungary."

Proper name for an ambassador to apply to his sovereign, "my master."

The imperial ambassadors insisted on having a room to themselves in the building, and on having a special place assigned to their carriages in the court. All the other ministers of the confederacy pronounced this a most unjustifiable demand, and a whole sitting was wasted in this childish dispute. It may easily be supposed that allies who were so punctilious in their dealings with each other were not likely to be very easy in their intercourse with the common enemy.

Now comes a very remarkable question, to which I desire to call the especial attention of Senators who take such deep interest in this matter of precedence:

The chief business of Harlay and Kaunitz was to watch each other's legs.

They were ambassadors and their chief business was to watch each other's legs.

Neither of them thought it consistent with the dignity of the crown which he served to advance towards the other faster than the other advanced towards him.

He did not want to show that he was eager to get in the presence of the other man. Their dignity was so great, their notions of precedence were so stringent, that both of them in walking towards each other were very particular each that he should not advance any faster than his distinguished opponent. Now let us see what happened:

If therefore one of them perceived that he had inadvertently stepped forward too quick, he went back to the door, and the stately minuet began again.

That is the dignity, that is the custom of Europe which it seems that Senators who are dissatisfied with the plain old-fashioned way we have in sending ministers to Europe want to introduce us to.

Then they had to quarrel about the language in which they should draw up the treaty. One man wanted it drawn up in French, another insisted "no, French shall not have precedence in this matter." Finally they hired a poor scholar, who drew it up in bad Latin, a dead language, and then they could all agree.

Then here is another remarkable part of the proceeding I want to call to the attention of the Senators who desire to bind us, plain republicans as we are, to the customs of Europe:

In the middle of April it was known to everybody at the Hague that Charles XI, King of Sweden, was dead, and had been succeeded by his son; but it was contrary to etiquette that any of the assembled envoys should appear to be acquainted with this fact till Lillienroth—

Who was the Swedish minister—

had made a formal announcement; it was not less contrary to etiquette that Lillienroth should make such an announcement till his equipage and his household had been put into mourning, and some weeks elapsed before his coachmakers and tailors had completed their task. At length, on the 12th of June—

Having heard, everybody knowing that the man was dead in the early part of April, here was April all gone, and May all gone, and nobody daring to admit that he had the slightest knowledge of the death of the king, and if he had it would be a violation of that stringent etiquette which governs on occasions of that sort to mention it!

At length, on the 12th of June—

Nearly the middle of June—

he—

The Swedish minister—

came to Ryswick in a carriage lined with black and attended by servants in black liveries, and there in full congress proclaimed that it had pleased God to take to himself the most puissant King Charles XI. All the ambassadors then condoled with him on the sad and unexpected news—

Which they had all heard two months before—

and went home to put off their embroidery—

Their court dresses, their stars and their garters, and their decorations—

and to dress themselves in the garb of sorrow.

Then, Macaulay adds:

In such solemn trifling week after week passed away.

William was a practical statesman. He had, as I remarked before, got his title to the British crown by the free choice of the British people. He got tired of all this solemn trifling—no peace, no treaty made. The great minds, the trained minds of this congregation of trained diplomats had solemnly trifled month after month in settling questions of etiquette, in settling questions of precedence, and had not taken one step towards the business upon which they had been sent. So William, being a practical man, concluded that he would make a treaty by another agency while these fellows were all engaged in this solemn trifling.

William—

Says Macaulay—

with the judgment and decision of a true statesman, determined to open a communication with Louis through one of the French marshals who commanded in the Netherlands.

Disregarding all these great diplomats who were thus engaged in settling all these momentous questions to which I have just alluded.

Of those marshals, Villeroy was the highest in rank.

But he would not take him. It seems to our friends here that high rank is everything, but not so to the practical mind of William, who, Macaulay says, acted "with the judgment and decision of a true statesman."

Of those marshals, Villeroy was the highest in rank. But Villeroy was weak, rash, haughty, irritable. Such a negotiator was far more likely to embroil matters than to bring them to an amicable settlement. Boufflers was a man of sense and temper.

And, I suppose, taking the history of his conduct in this matter, he would remain still a man of sense and good temper, though not a diplomat at all, even though he was not labeled "ambassador."

Boufflers and Portland had known each other. Portland was one of William's men, one of his generals, and I will state here what Macaulay says about him. Macaulay shows that in matters of diplomacy, as well as in everything else, straightforward, plain common sense must prevail against all the chicane, the trickery, and the high training of what is called diplomacy. Macaulay says:

It is a remarkable fact that this man, who in the drawing-rooms and coffee-houses of London was described as an awkward, stupid Hogan Mogan—such was the phrase of that time—was considered at Versailles as an eminently polished courtier and an eminently expert negotiator.

Now, we shall see how that turned out. Macaulay says, as I say in reference to any representative we send to a foreign country, not that he shall be called ambassador or this thing or that thing, but—

His chief recommendation, however, was his incorruptible integrity. It was certain that the interests which were committed to his care would be as dear to him as his own life, and that every report which he made to his master would be literally exact.

We had better, in order to subserve the interests of the American people, be sure in selecting a representative of this country to a foreign government that we get a man like Portland, who, though awkward in the drawing-rooms and coffee-houses, was yet a man of incorruptible integrity.

Now, let us see how this singular arrangement turned out. These grand ambassadors, these great diplomats, who had been for months and months engaged in what Macaulay calls "such solemn trifling," had not proceeded one step towards making a treaty. Now, let us see how this new move turned out. Portland got an interview with the French marshal, Boufflers. Boufflers corresponded with Louis, and the men met.

On the 28th of June, according to the old style, the meeting took place, in the neighborhood of Hal, a town which lies about 10 miles from Brussels, on the road to Mons. After the first civilities had been exchanged, Boufflers and Portland dismounted, their attendants retired, and the two negotiators were left alone in an orchard. Here they walked up and down during two hours, and in that time did much more business than the plenipotentiaries at Ryswick were able to dispatch in as many months.

No question of precedence, no question of how in advancing towards each other each should take exactly the same gait, with the same swiftness as the other, and if they had made a mistake about that then going back and doing it all over again, but talking together in an orchard without ceremony, talking together as friends and as business men, they did more in two hours than the grand conclave of ambassadors had been enabled to accomplish in two months.

Macaulay proceeds:

The negotiation between Boufflers and Portland proceeded as fast as the necessity of frequent reference to Versailles would permit. Their first five conferences were held in the open air; but at their sixth meeting they retired into a small house, in which Portland had ordered tables, pens, ink, and paper to be placed; and here the result of their labors was reduced to writing.

And the treaty was formed by these two men without any official character and then submitted to the conclave to which I have called attention. Macaulay says:

Before the end of July everything was settled as far as France and England were concerned. Meanwhile it was known to the ministers assembled at Ryswick that Boufflers and Portland had repeatedly met in Brabant, and that they were negotiating in a most irregular and indecorous manner, without credentials or mediation or notes or protocols, without counting each other's steps, and without calling each other excellency. So barbarously ignorant were they of the rudiments of the noble science of diplomacy that they had very nearly ac-

complished the work of restoring peace to Christendom while walking up and down an alley under some apple-trees. The English and Dutch loudly applauded William's prudence and decision. He had cut the knot which the congress had only twisted and tangled. He had done in a month what all the formalists and pedants assembled at the Hague would not have done in ten years. Nor were the French plenipotentiaries ill-pleased. "It is curious," said Harlay, a man of wit and sense, "that while the ambassadors are making war, the generals should be making peace."

I give that incident, that historical incident to the Senate to show how utterly unmeaning, how utterly without force is the suggestion that the interests, the welfare of the American people demand that a change should be made in the rank of our representatives in Europe.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Louisiana [Mr. GIBSON].

Mr. HALE. I hope that unless some Senator desires further to debate this proposition we may have a vote upon it and dispose of the bill.

The PRESIDENT *pro tempore*. The amendment will be again stated.

The Chief Clerk read the amendment of Mr. GIBSON.

Mr. PLUMB. Before the vote is taken I wish to make a slight contribution to this debate by proxy. There is an article in a New York paper this morning in the shape of a dispatch from Washington which deserves a somewhat larger circulation than it will get by reason of its publication in that paper, and which I therefore desire to have inserted in the widely circulated and widely read CONGRESSIONAL RECORD for two reasons: First, a reason personal to myself because of a reference to me which I think ought to be somewhat more widely read than it will be if the publication is limited to the paper in which it was originally published, and second, because of the fact that it was intended to advance the interests of a gentleman, an intimate friend of mine, who has for many years desired to represent and who still desires to represent the United States at the court of Queen Victoria, and who, with natural and very proper American pride, at least proper from the standpoint of those who favor this amendment, does not want to go as minister extraordinary, but wants to bear the more pretentious label of ambassador.

I will therefore ask the Secretary to read the paragraph which I have marked, and I wish to say that the authenticity of the article can not be questioned, because it is the result of eavesdropping which has been carried on in the Senate Chamber by a person who claims the right to be upon this floor as the private secretary of a Senator, to the exclusion or at all events the inconvenience of Senators.

The Chief Clerk read as follows:

MINISTERS OR AMBASSADORS—WHICH?—THE SENATE ARRIVES AT NO DECISION ON THE QUESTION—PLUMB DOESN'T WANT ANY DIPLOMATS.

WASHINGTON, January 28.

The Senate spent the entire day practically upon a discussion of the question whether the present envoys extraordinary and ministers plenipotentiary to the court of St. James, Germany, and Russia, and to the French Republic should be raised to the rank of ambassadors or not, and after devoting five hours to the discussion it was not even then able to reach a decision. It gave a fine opportunity, however, for a display of cheap demagogism.

The amendment to the diplomatic and consular appropriation bill, which would have raised the rank of the four ministers to ambassadors, was offered by Mr. GIBSON, of Louisiana, who, in a sensible, straightforward manner, presented the reasons why such a change was desirable and the advantages that were likely to accrue from it.

The opposition was led by Mr. PLUMB, of Kansas. He delivered a speech which might have electrified a cross-roads meeting and impressed listeners with the heroic simplicity and sturdy republicanism of the speaker, but in an assembly of thoughtful men like the Senate it fell flat and only excited laughter. Mr. PLUMB himself was hardly in earnest when he asserted that ministers were of no use to the country any way, that they were paid a big salary for the simple purpose of having an opportunity of eating good dinners, moving in society, and dancing attendance upon court circles, and that the business they attempted to do could better be dispatched by consular agents. In fact, the Kansas Senator asserted that the extension of our commerce was the only business which would require the intervention of an agent in our dealings with foreign nations.

Mr. REAGAN followed in his old manner, rehearsing his favorite mournful tale of the creation of privileged classes and class legislation. It was in vain that such men as Senators EVARTS, HOAR, SHERMAN, HAWLEY, HALE, MORGAN, GIBSON, and others tried to convince Messrs. PLUMB and REAGAN, who in the mean time had been supported by STEWART and BLAIR, of the mistake they were laboring under. It was in vain that the provisions of the Constitution authorizing the appointment of ambassadors were shown to them, and pending the process of converting these four men the Senate adjourned.

Mr. PLUMB. I think that will suffice as a final contribution to the debate on this important subject; and I have no doubt we shall now be able to get a vote.

Mr. HALE. I hope we shall have a vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Louisiana [Mr. GIBSON].

Mr. PLUMB. Let us have the yeas and nays.

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

Mr. FARWELL (when his name was called). I am paired with the Senator from Florida [Mr. PASCO].

Mr. PLUMB (when his name was called). I am paired generally on all questions which divide the Senate with the Senator from Arkansas [Mr. BERRY], but I am assured by his colleague that he would vote "nay" if present, and I therefore vote "nay."

The roll-call was concluded.

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. VANCE]. He is confined to his house by sickness. If he were here I should vote "yea."

Mr. WILSON, of Iowa. I desire to announce that my colleague [Mr. ALLISON] is paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. PADDOCK. I desire to announce the pair of my colleague [Mr. MANDERSON] with the Senator from Kentucky [Mr. BLACKBURN].

The result was announced—yeas 26, nays 24; as follows:

YEAS—26.

Brown,	Dolph,	Hampton,	Payne,
Call,	Everts,	Hawley,	Platt,
Cameron,	Frye,	Hiscock,	Sherman,
Chace,	Gibson,	Hoar,	Stockbridge,
Chandler,	Gorman,	Morgan,	Wilson of Md.
Colquitt,	Gray,	Morrill,	
Davis,	Hale,	Paddock,	

NAYS—24.

Bate,	Eustis,	Mitchell,	Spooner,
Blair,	Faulkner,	Plumb,	Stewart,
Cockrell,	George,	Pugh,	Turpie,
Daniel,	Harris,	Ransom,	Voorhees,
Dawes,	Ingalls,	Reagan,	Walthall,
Edmunds,	Jones of Arkansas,	Saulsbury,	Wilson of Iowa.

ABSENT—26.

Aldrich,	Butler,	McPherson,	Sawyer,
Allison,	Coke,	Manderson,	Stanford,
Beck,	Cullom,	Palmer,	Teller,
Berry,	Farwell,	Pasco,	Vance,
Blackburn,	Hearst,	Quay,	Vest.
Blodgett,	Jones of Nevada,	Riddleberger,	
Bowen,	Kenna,	Sabin,	

So the amendment was agreed to.

Mr. PLUMB. I move to strike out the entire paragraph from line 11 to line 13, and to insert what I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 1 of the bill it is proposed to strike out lines 11, 12, and 13, as follows:

Ambassadors to France, Germany, Great Britain, and Russia, at \$17,500 each, \$70,000.

And in lieu thereof insert:

For the purpose of enabling the President to promote friendly and commercial intercourse with Great Britain, \$20,000.

Mr. PLUMB. I shall follow that, if it should be adopted (I suppose it will not be) by a similar amendment in regard to the other powers named in the paragraph.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was rejected.

Mr. HALE. There are a few formal amendments that I wish to make to perfect the bill before going to the other amendments which have been reserved.

On page 2, line 25, "Columbia" should be "Colombia;" so as to read: "the United States of Colombia."

The PRESIDENT *pro tempore*. That correction of spelling will be made.

Mr. HALE. On page 18, line 418, I move to strike out "1888" and insert "1889;" so as to read: "for the fiscal year ending June 30, 1889."

The amendment was agreed to.

Mr. HALE. On page 10, after line 218, I move to insert:

Great Britain:
Consul at Montreal.

The amendment was agreed to.

Mr. HALE. On the same page, line 210, to correct the total, I move to strike out "seventy-nine" and insert "eighty-two;" so as to read "\$382,000."

The amendment was agreed to.

Mr. HALE. On page 9, line 198, I move to correct the total by striking out "\$20,000" and inserting "\$16,000."

The amendment was agreed to.

Mr. HALE. Now, if there are no further amendments to be offered—

Mr. GORMAN. Will the Senator from Maine permit me to offer an amendment?

Mr. HALE. Yes, if the Senator has an amendment.

The PRESIDENT *pro tempore*. The Chair understands that there is an amendment pending.

Mr. SHERMAN. There is an amendment of the committee pending. The PRESIDENT *pro tempore*. What is known as the Samoan amendment is pending.

Mr. HALE. But I desire to postpone the Samoan amendments until the completion of other amendments and the discussion of the bill. If any Senator has any other amendment I would prefer that he should submit it now.

The PRESIDENT *pro tempore*. The Chair will, then, recognize the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. I offer the amendment which I send to the desk, to come in as new sections.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add to the bill new sections, as follows:

SEC.— That for the purpose of making adequate preparation for an appropriate celebration of this great historic event, a commission of nine members, to be known as the constitutional centennial commission, is hereby authorized, and the President of the United States shall, and he is hereby authorized and empowered, to appoint said commissioners, subject to the confirmation of the United States Senate, and said commission shall have charge of the preparations for and the ceremonies of said celebration.

SEC.— That the President of the United States is hereby authorized and requested to invite the chief executive and chief judicial officers of Mexico, Guatemala, Nicaragua, Costa Rica, Salvador, Honduras, United States of Colombia, Venezuela, Bolivia, Peru, Chili, Uruguay, Paraguay, Ecuador, the Argentine Republic, the Empire of Brazil, the Dominion of Canada, Hayti, San Domingo, and such other civil and military officers of said governments as the commission hereinbefore provided for shall designate, to visit Washington in the spring of 1889 and join with the President of the United States, and the Congress of the United States, the justices of the Supreme Court, the governors of the forty-six States and Territories, and others who may be invited, in suitable ceremonies in honor of said event. And the President shall have authority to entertain, in a suitable manner and for a suitable time, in his discretion, the foreign guests attending said celebration; and the sum of \$300,000, out of any money in the Treasury not otherwise appropriated, is hereby appropriated, or so much thereof as may be necessary, to defray the expenses incident to said celebration and said entertainment, the same to be paid and disbursed upon proper vouchers approved by the president of said commission.

SEC.— That said commission shall, from time to time, report directly to the President of the United States.

Mr. HALE. That amendment finds no proper place upon the diplomatic and consular appropriation bill, which is for the annual expenses of our diplomatic and consular intercourse. It will naturally be considered by the Committee on Appropriations upon the sundry civil appropriation bill, where all such matters properly come. Therefore I am constrained to make the point of order against the amendment.

The PRESIDENT *pro tempore*. Will the Senator state the ground upon which the point of order is preferred?

Mr. HALE. I do not understand that the amendment comes here by the sanction of any committee. It is a new matter increasing the appropriations.

The PRESIDENT *pro tempore*. The Chair is not advised upon that point and will hear the Senator from Maine.

Mr. HALE. I state that fact. Nobody disputes it.

Mr. GORMAN. If the Senator from Maine will permit me, I desire to say that this proposition in the form of a bill was reported to the Senate by a special committee that has had the matter under consideration, and the bill passed this body, I think, unanimously. It is now pending elsewhere. Within the last few days, probably within a week, I presented the bill which passed the Senate as an amendment to this bill, and I had it referred to the Committee on Appropriations. It has therefore been considered by a special committee and passed, I think, by a unanimous vote of this body, and was again referred to the Committee on Appropriations. Of course the committee has not acted upon it.

As to the relevancy of the amendment to this bill I take issue with the Senator from Maine. The provision of the amendment is that we shall invite representatives from all the republics south of us to this great celebration of the one hundredth anniversary of the Constitution. Fifteen of those republics have modeled their organic law after the Constitution of the United States. It would seem to me that this is a proper bill for the consideration of the matter.

Technically I suppose the Senator may be right that in the form of an amendment it has not been recommended by any committee; but I trust that in view of the importance of the matter the Senator from Maine will not insist upon the point of order.

Mr. HALE. If it were not that the other appropriation bill will be taken up in two or three weeks, where the amendment properly belongs, I should not insist on the point of order. But it clearly belongs to the other bill, and I think should go there, when the Committee on Appropriations can have the opportunity of considering the subject, which it has not done, as the Senator knows, upon this bill. The amendment has never been considered or passed upon by that committee. I do not in any way seek to shirk the responsibility of considering it in committee on the other appropriation bill, and I do not say, for one, that I shall oppose it there, but it clearly does not belong to the pending bill.

The PRESIDENT *pro tempore*. If the Senator from Maine insists upon the point of order, the Chair holds that the amendment can not be received to the bill.

Mr. SHERMAN. I must insist that the rule shall be observed in regard to the Samoan amendments, as they were reported from the committee and are now pending.

The PRESIDENT *pro tempore*. The Senator from Maine expressed a desire that some formal amendments should be acted upon from the committee.

Mr. SHERMAN. I have no objection to mere formal amendments, but other amendments will be offered to the bill which will lead to debate, and I think it is important to act on the Samoan amendments now.

The PRESIDENT *pro tempore*. The pending amendment will be stated.

Mr. HALE. I do not know that there are any more amendments except those.

Mr. REAGAN. I inquire if the amendment beginning at line 175 and ending at line 181 has been acted upon?

Mr. HALE. The Senate is just coming to those amendments. It has just reached them.

Mr. SHERMAN. When they are reached I should like to have them read.

Mr. REAGAN. I desire when we have reached that point to enter a motion.

The PRESIDENT *pro tempore*. The Chair has directed the Chief Clerk to report the pending amendment.

The CHIEF CLERK. After line 174 the Committee on Appropriations report to insert:

For the execution of the obligations and the protection of the interests of the United States, existing under the treaty between the United States and the Government of the Samoan Islands, \$500,000, or so much thereof as may be necessary, to be expended under the direction of the President, this appropriation to be immediately available.

The PRESIDENT *pro tempore*. The other amendment will be stated.

The CHIEF CLERK. After line 181, the committee report to insert:

For the survey, improvement, and occupation of the bay and harbor of Pago Pago in the Island of Tutuila, Samoa, and for the construction of the necessary wharves and buildings for such occupation, and for a coaling station therein, under the direction of the President, \$100,000, this appropriation to be immediately available.

Mr. HALE. As these amendments involve the construction of a treaty and will necessarily give rise to a discussion of what may be perhaps very delicate relations between the United States and another foreign power, I move that the galleries be cleared and that the Senate proceed to consider them with closed doors.

The PRESIDENT *pro tempore*. Is there a second?

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

Mr. SHERMAN. The question must be taken with closed doors.

Mr. HALE. Undoubtedly.

The PRESIDENT *pro tempore*. The Chair asks if there is a second to the motion made by the Senator from Maine.

Mr. HALE. It has been seconded.

The PRESIDENT *pro tempore*. The Chair did not hear it.

Mr. FRYE and Mr. MORGAN. I second the motion.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will clear the galleries and close the doors of the Senate.

After one hour and five minutes the doors were reopened.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The question recurs on agreeing to the amendment reported from the Committee on Appropriations.

Mr. SHERMAN. I ask that the two amendments be again read. I take it that both may be considered together.

The PRESIDING OFFICER. What is the suggestion of the Senator from Ohio?

Mr. SHERMAN. I ask that the amendments be again read.

The PRESIDING OFFICER. The Chief Clerk will read the amendments.

The CHIEF CLERK. The Committee on Appropriations report to insert after line 174:

For the execution of the obligations and the protection of the interests of the United States, existing under the treaty between the United States and the Government of the Samoan Islands, \$500,000, or so much thereof as may be necessary, to be expended under the direction of the President, this appropriation to be immediately available.

For the survey, improvement, and occupation of the bay and harbor of Pago Pago in the Island of Tutuila, Samoa, and for the construction of the necessary wharves and buildings for such occupation, and for a coaling station therein, under the direction of the President, \$100,000, this appropriation to be immediately available.

Mr. HALE. I should like to submit a proposition, that by unanimous consent the vote may be taken now upon these amendments.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the vote be now taken upon the amendments.

Mr. SHERMAN. I desire to make some statements in regard to the condition of affairs in Samoa. I will promise not to be very long about it and not to go beyond a reasonable time.

Mr. HALE. I hope I may be able at the close of the Senator's remarks to get unanimous consent for an immediate vote on the amendments.

Mr. SHERMAN. Mr. President, the time has arrived when Congress, and especially the Senate, must give intelligent attention to the questions involved in the occupation and settlement of the Samoan Islands. These questions are now exciting profound attention, not only in this country, but in Great Britain and Germany. While supporting the amendments proposed by the Committee on Foreign Relations, reported now from the Committee on Appropriations, I think it is due to the Senate and the people of the United States that I should state in a skeleton form the chief facts in regard to this matter, and that, too, without any feeling whatever, without any desire to interfere with our diplomatic negotiations or to disturb the harmony of our relations with Germany or Great Britain. I hope that the action of the Senate will be unanimous upon the adoption of these amendments, and that a frank and open debate will tend to this result.

The Samoan Islands, formerly called the Navigator's Islands, are

situated in the South Sea, almost midway between San Francisco and Australia, on the direct line of commercial intercourse from every part of America to the Australian or Polynesian Islands and settlements. Their locality commands the natural interest of many nations. In extent they are comparatively insignificant, containing but about a thousand and forty-eight square miles composed of eight or ten different islands, the chief of which are Savaii, Upolu, and Tutuila, separated from each other by short distances. They are peopled by 32,500 innocent, harmless, tractable, and good-humored natives, of the Polynesian race, about 1,000 blacks taken there as laborers, and about 300 foreigners, nearly all of whom are either Germans, Americans, or English, occupying various commercial establishments there.

These islands were first explored and surveyed in a scientific way by Admiral Wilkes in his famous exploration in 1840. The best maps of those islands within our reach are still the maps furnished by that expedition, and they are contained in the book of maps I have here before me. Admiral Wilkes was so impressed with the importance of those islands that he made surveys of the harbors and bays connected with them. The chief harbor, that of Pago Pago, in the island of Tutuila, is mapped with the soundings, etc., and is contained in the charts before me.

Samoa has been since that time visited by many people. As I have said, it is in the line of communication from San Francisco to Australia. It has been in a measure settled and occupied since 1860 by Germans, English, and Americans. The attention of the Government of the United States was early called to it by the rather chivalric or adventurous experience of Colonel Steinberger, a citizen of the United States, who was sent there in 1873 as a special agent to ascertain all he could about this group of islands, and he made to the State Department an interesting report of his observations and intercourse with the Samoan people.

During this visit he made something in the nature of an agreement or an arrangement with the King of the Samoan Islands, but it did not assume the form of a treaty, and was not brought before the Senate. He afterwards became prime minister to the king, but was involved in one of the innumerable revolutions of the country, and was arrested, and deported in an American vessel.

So matters proceeded until in 1878 a treaty was made between the United States and the King of the Samoan Islands. I will read one or two articles of that treaty. It was signed by Mr. Evarts when Secretary of State, now a member of the Senate, and by Mamea, the minister of the king. The second article of the treaty, and the most important one so far as it affects our interests, provides that—

Naval vessels of the United States shall have the privilege of entering and using the port of Pago Pago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States, or restrictive thereof. The same vessels shall also have the privilege of entering other ports of the Samoan Islands. The citizens of the United States shall likewise have free liberty to enter the same ports with their ships and cargoes of whatsoever kind, and to sell the same to any of the inhabitants of those islands. All such traffic, in whatever articles of trade or barter, shall be free, except that the trade in fire-arms and munitions of war in the islands shall be subject to regulations by that government.

The fifth article provides that—

If, unhappily, any differences should have arisen, or shall hereafter arise, between the Samoan Government and any other government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation.

This treaty is the basis of our right to occupy and hold and establish in the Bay of Pago Pago and on the adjacent shores of the island of Tutuila a station for coal and other naval supplies.

Mr. SPOONER. What does the Senator read from?

Mr. SHERMAN. It is a compilation of papers sent to us from the State Department. I find the treaty here in a convenient form.

The Bay of Pago Pago is one of the most remarkable features of the Samoan Islands. It is said that it is probably the best harbor in the whole of the Polynesian Islands. The island of Tutuila, containing but 50 square miles, being 15 or 20 miles long and from 1 mile to 5 miles wide, is indented by the Bay of Pago Pago a mile wide, extending within several miles, with deep water ranging from 30 to 50 feet deep, protected by highlands or mountains from prevailing winds. Vessels can enter the bay easily under all conditions and circumstances and there be protected from all possible storms. It is described as one of the most valuable harbors in all the world, and the charts seem to bear out that description of it.

Shortly after the treaty made by the United States a treaty was made by Germany with Samoa, which I find in this same document on page 126. Articles V and XI are the only ones which I need read:

ART. V. German ships of war shall be at liberty to enter into the harbor of (called) Saluafata to anchor, and remain there to take in supplies and to repair, and the German Government shall furthermore be at liberty to make there at its own pleasure all such contrivances or arrangements that may be useful for German ships of war and their officers and crews. The Samoan Government also agrees that the German Government may erect buildings on the shores of the said harbor for storing therein coal or any other supplies for the German ships of war and their officers and crews.

This treaty secures to the German Empire the right to enter into the particular harbor named, a harbor or bay in Upolu, one of the larger

islands of the group—substantially the same rights and powers as to a coaling station that are conferred by the American treaty upon the United States. The other article of the treaty of Germany with Samoa, which I will read, is as follows:

ART. XI. The Government of Samoa promises to grant the German Government as many rights as the most favored nation, as well in respect to all matters alluded to in the preceding articles of this treaty as also generally and as may be granted to any other nation in future.

This much-discussed "most-favored-nation" clause is inserted in all the Samoan treaties, and secures to the three treaty powers reciprocal rights and duties.

In the next year I find in this same codification, on page 131—

Mr. HOAR. What is the number of the document?

Mr. SHERMAN. It is House Executive Document No. 238. I find that Samoa entered into a treaty with Great Britain, and that treaty was separated from the preceding treaty by a year, the eighth article only of which I need read:

ART. VIII. Her Majesty the Queen of Great Britain may, if she think fit, establish on the shores of a Samoan harbor, to be hereafter designated by Her Majesty, a naval station and coaling depot; but this article shall not apply to the harbors of Apia or Saluafata, or to that part of the harbor of Pago Pago which may be hereafter selected by the Government of the United States as a station under the provisions of the treaty concluded between the United States of America and the Samoan Government on the 17th day of January, in the year 1878.

So it appears that each of these three great commercial nations secured by treaties following each other rapidly grants and privileges somewhat similar in character, but separate and distinct, applying to different localities, securing to each a separate coaling station and harbor, it being the expectation and design evidently of these treaties that the Samoan Islands should be made a kind of stopping place, a way-station for all the great lines of commercial travel, and that each of these three great commercial nations should be supplied with a separate coaling station which would be under its exclusive control, subject, however, to the jurisdiction of the Government of Samoa. So these three great nations gained a property interest fixed and tangible in different ports in those islands with stipulations that secured to each of them reciprocal and equal rights conceded to the most favored nation. They were to be upon the same footing, and the separate coaling stations were to be occupied by each in severalty, distinct from the others.

There was a further arrangement made shortly afterwards, shown in this same compilation, which is very important. It was entered into by Great Britain and the King and Government of Samoa, with privileges, however, granted to the Government of the United States and to the German Government of an equivalent character. Articles first and second of this treaty provide—

ART. I. The space comprised within the following limits, that is to say, commencing at Valloa, passing thence along the coast to the mouth of the Fulnasa River, thence up the course of the river Fulnasa to the point at which the Alafusa road crosses said river, thence along the said road to the point where it reaches the river Vaisigo, and thence, in a straight line, to the point of commencement at Valloa, shall constitute and be known as the town and district of Apia. The waters of the harbor of Apia are also comprehended within the district.

ART. II. Such town and district shall be placed under the government of a municipal board, consisting of those foreign consuls resident in Apia whose nations have entered into treaty relations with Samoa. Representatives of every such nation, having a consul in Samoa, shall, at a future period, be added to the said board, and shall be chosen in such manner and exercise such functions as may be provided by regulations to be hereafter agreed upon and published by the said board.

This treaty was signed only by Great Britain and Samoa, but was subsequently signed (although their countries were not parties to the treaty) by T. Weber, the imperial German consul, and R. Chandler, captain United States Navy, commanding the United States ship Lackawanna. So, although this treaty was never submitted to the Senate of the United States and therefore never assumed the form of a treaty, yet it is in the nature of an agreement between these three great powers, by which, in connection with the King of Samoa, they were to set aside a particular region, a neutral territory, declared to be a neutral territory, as a place where each of these commercial nations might establish their store-houses, their workshops, and any other buildings necessary to the carrying on of their traffic in those islands.

This particular place, Apia, now known as the capital of the Samoan Islands, was therefore a region set aside for commercial purposes. But the Government and the King of Samoa were not excluded from this region. The flag of that king was to be always raised over the public buildings, and those in the occupation of the German consul, the British consul, and the American consul. There are many provisions in this treaty not necessary for me to read. It provides for something in the nature of a municipal government. It requires that all offenses against the regulations of the municipal board, by whomsoever committed, shall be tried by a magistrate to be appointed by the board of consuls.

The eighth and ninth articles are specially important:

ART. VIII. The foregoing articles shall in no way prejudice the territorial integrity of Samoa, and the Samoan flag shall be hoisted at such place of meeting of the municipal board as may be permanently adopted.

ART. IX. In case of civil war, the town and district of Apia, and the adjacent districts comprised between the boundaries of the town and district of Apia and Lotogo, Tiapepe Point, and Siusega shall be considered as neutral territory,

and the municipal board may frame and issue such regulations as may be considered necessary for the support and maintenance of such neutrality.

Mr. HOAR. I should like to have the Senator state the significance of this agreement to the United States.

Mr. SHERMAN. It was never sent here for approval by the President; it was not considered as being in the nature of a treaty; but it has been recognized by our Government and all the other governments as being something in the nature of a local arrangement for the convenience of these three great powers. The character of it is stated very clearly by Mr. Bayard in one or two of his documents. The municipal board consisted of the consul of each nation having treaty relations with Samoa, or the American, English, and German consuls. Our consul, with the full knowledge and under instruction from our Government, acted as a member of this board.

Mr. MORGAN. What was the date of that convention?

Mr. SHERMAN. I will read the heading of it, and the Senator will see:

Convention between Great Britain (Germany, the United States) and the King and Government of Samoa, for the government of the town and district of Apia. Signed at Apia, September 2, 1879. Ratifications exchanged at Mulinuu, August 27, 1880.

Mr. MORGAN. Was that convention ever sent in to the Senate of the United States for ratification?

Mr. SHERMAN. I have said not. I have said that it was never sent by the President of the United States to the Senate.

Mr. MORGAN. It was never sent here?

Mr. SHERMAN. No; but it has been acted upon by all the nations as in the nature of an arrangement or agreement for the possession and occupancy of this neutral territory. Mr. Bayard, in his communications scattered through this book and the other documents I have here, points out very clearly the nature and character of that municipality, and its nature and character may be important hereafter.

There is one other document bearing upon the title or right of the three commercial nations in Samoa. An arrangement or a treaty was entered into between Germany and Great Britain April 6, 1886, which I have before me. It is called "A declaration concerning the boundaries of the German and English dominions in the West Pacific Ocean. Signed at Berlin, April 6, 1886." In this agreement or declaration or treaty these two governments parcel out the various islands and possessions of the Pacific Ocean. West of a certain line German occupancy was to prevail; east of a certain line English occupancy was to prevail; but it contains this significant and important exception, this declaration—

Mr. GRAY. What page does the Senator read from?

Mr. SHERMAN. Page 136.

Mr. DAWES. Which document?

Mr. SHERMAN. Executive Document No. 238. I am reading all from the same document.

The third and fourth articles contain the terms of this imperial partition—a striking example of the tendency of these powers to divide the world between them:

III. Germany pledges herself not to make any acquisitions of territory, not to establish any protectorates, not to oppose the extension of British influence, and to relinquish all territories heretofore acquired by her or over which she has established a protectorate in that part of the West Pacific Ocean lying to the east, southeast, or south of the aforesaid dividing line.

IV. Great Britain pledges herself not to make any acquisitions of territory, not to establish any protectorates, not to oppose the extension of German influence, and to relinquish all territories heretofore acquired by her or over which she has established a protectorate in that part of the West Pacific Ocean lying to the west, northwest, or north of the aforesaid dividing line.

The sixth article, however, contains important exceptions from this division of empire:

VI. This declaration shall not apply to the Navigator's (Samoan) Islands, with which Germany, Great Britain, and the United States have concluded treaties, nor to the Friendly (Tonga) Islands, with which Germany and Great Britain have concluded treaties, nor to Niné Island (Savage Island), which groups shall in future, as heretofore, form a neutral territory, nor to any islands or places in the West Pacific Ocean that are now under the sovereignty or protection of any civilized power other than Germany or Great Britain.

The declaration commences with a disclaimer, that this partition between these two great powers shall not apply to the Samoan Islands.

So it appears from these five distinct formal arrangements or agreements that these three great commercial powers looked upon Samoa as a country important to all of them, in which each of them should have separate and distinct places where they might repair vessels and store coal and do all that was necessary to be done for the maintenance of the commercial marine in that region, and that that country was to be in the nature of a neutral territory under the protection of these respective powers; and the United States stipulated that it would render its friendly offices in any controversy that might then exist or that might thereafter arise between Samoa and any other country whatever. That was the position in which these islands then stood, and that is the legal status to-day, for no other arrangement, no other agreement, has ever been made in a formal way to affect in any degree the rights of the several powers to these agreements. By these treaties the rights of the respective parties must be determined. No one of the powers can change them without the consent of the others. All of them are strong enough, and I hope Christian enough, to stand by and insist upon a fair

and full adherence to these treaties, arrangements, and stipulations. The United States is bound, both for the interests of its people and for the honor of its promise to Samoa, to insist upon the rights of both.

Mr. President, I do not intend to go into the details that are furnished by the documents that I have before me in regard to the history of events in Samoa. It is sufficient, in a summary way, to say that there has been, is now, and always will be a quasi state of war existing in these islands between the different tribes or families of the people there. It was, and is, a strange government, peculiar in its character, governed largely by family ties, somewhat aristocratic, and always with contentions innumerable between the various chiefs of that country.

Mr. MORGAN. Will the Senator allow me to ask him a question as he proceeds?

Mr. SHERMAN. Certainly.

Mr. MORGAN. We are appropriating money to be immediately available for the purpose of building a naval station in the harbor of Pago Pago. I notice under Article II of the treaty with Samoa that that Government entered into an arrangement with the United States which I will read—

Mr. SHERMAN. I read that article or a part of it.

Mr. MORGAN. I want to read a particular part of it, to call the attention of the Senator to it:

Naval vessels of the United States shall have the privilege of entering and using the port of Pago Pago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States, or restrictive thereof.

I wish to ask the Senator from Ohio if he is informed and can inform the Senate whether the Samoan Government has parted with the title of the land surrounding the harbor of Pago Pago up to the water's edge to the German people, a German land company.

Mr. SHERMAN. Mr. President, undoubtedly not the Samoan Government, but individuals and families have sold lands adjacent to the harbor of Pago Pago. The truth is that these poor people have sold nearly all the lands that are valuable in the islands to Germans and English and Americans, not only along the borders of Pago Pago, but in all the islands; but that does not affect in the slightest degree our rights under the treaty, and no one has ever claimed that it did.

Mr. MORGAN. The titles to those lands, I understand, are titles that come of mere occupancy, and have no validity to pass the title at all, except with the consent of the Samoan Government.

Mr. SHERMAN. It is sufficient to say that our title there to the adjacent lands, such as we wish for our purposes and on that bay, is clear and unquestionable; and in all the controversies that have existed in diplomatic correspondence no one has ever called in question our exclusive right to that bay.

Mr. MORGAN. That is a point about which I should like to be better satisfied than I am at present.

Mr. SHERMAN. If the Senator will point out to me any contention on that point, I would like to know it. I have not seen it.

Mr. MORGAN. The contention will arise hereafter.

Mr. SHERMAN. It is sufficient to say that we have the grant from King Malietoa in the first treaty ever made by these islands with any foreign power, and that each of the treaties, the English and the German, recognizes our right to that island, and they stipulate for themselves for a different portion of the country where they may exercise the same power. So I do not think there is any question about that.

Mr. HAWLEY. If the Senator will permit me, before he passes from that I wish he would say whether in his opinion we can acquire a valid title to lands in a foreign country by an agreement in the nature of a treaty that has not been submitted to the Senate?

Mr. SHERMAN. The treaty to which I refer was submitted to the Senate and ratified and approved, the first one made with Samoa by any foreign power.

Mr. HAWLEY. What was it?

Mr. SHERMAN. An express cession of the Bay of Pago Pago and adjacent shores for a coaling station. The arrangement made for the occupation of Apia by the consuls was quite a different affair. It was a provision for municipal occupation of offices, stores, and warehouses by our merchants, consuls, and citizens. Our consul occupies a house; whether it belongs to him or not I do not know. Apia is a neutral port for business. Pago Pago is our exclusive possession, subject to commercial rights.

Mr. FRYE. One of our commodores obtained an earlier concession in Pago Pago, but that never was ratified.

Mr. SHERMAN. There was a concession once before that I did not deem it necessary to refer to; but the concession I have referred to was made by treaty, and no one has ever called it in question so far as I know, and I can find nothing in these voluminous papers that calls in question our right to that harbor.

Mr. President, I need not dwell upon the painful features of the civil wars that have prevailed there, nor upon the general judgment expressed by all the consular agents there, and by the gentlemen who were afterwards sent there to examine into the nature of the government and the nature of those people, that from their character, from their peculiarities, they seemed to be totally unfit to conduct a regu-

lar form of government. Upon this question there is an almost uniform expression of opinion. I will read what is said by Mr. Bates, the agent sent there in 1886, and he expresses only that which is stated by the British agent. He says:

INCAPACITY OF NATIVES FOR GOVERNMENT UNASSISTED.

Such being the elements of society, with due regard to which any government in Samoa must be constituted, I must report, as the result of my intercourse with and observations of the Samoans, my thorough conviction that they are unable now, unassisted, either to construct or maintain a government which will enforce authority or command respect. A system of government of their own they undoubtedly had, and, to a limited extent, still maintain, but it has been so interrupted and interfered with by the foreigners who have settled among them that it is doubtful, even if all disturbing influences were removed, whether they could now restore it. They have never had a government which was worthy of the name as we understand it. They have no conception of the modern idea of government. That any system of laws should bear equally on all men is to them a thing impossible of comprehension. Probably no better evidence of the truth of these statements could be had than the history of the country for twenty years past.

As a matter of course these papers disclose that all the time since the country has been known, since the first treaty was made with America, there have been civil wars there, civil contentions, rivalries between chieftains, two families, each claiming the right to rule. There are many peculiar features of the government which we can scarcely comprehend. They have no idea of a permanent government. While one side is uppermost to-day, the other may be to-morrow. That state of civil war continued from 1873 until, in 1883, by the aid of the consuls of the three great powers, they finally agreed to settle their differences and agreed that Malietoa should be king and that Tamasese should be vice-king, without very distinct ideas as to the definite tenure or nature of their respective offices. One was king and the other was vice-king. That arrangement seems to have been brought about by the friendly co-operation of the consuls of these three governments, and was probably the first and most formal establishment of a government in the Samoan Islands; and such would always be the result of the co-operation of the three consuls acting harmoniously together.

But soon after that difficulties arose between the citizens, traders, and consuls of the three powers of a different character. Movements were made in Australia and in New Zealand to annex the Samoan Islands to the British colonies. Perhaps I ought to read to the Senate one or two items showing what steps had been taken and what progress made in that direction. Malietoa himself was in that movement, and though acknowledged to be king, himself applied to the Queen of England and to the authorities in New Zealand for permission to be annexed to Great Britain—a manifest violation of the treaty not only with Germany but with the United States.

I read from Mr. Bates's report, page 158:

The subject of the annexation of Samoa to Great Britain or New Zealand has been agitated from time to time with great persistence, and has undoubtedly been one of the disturbing influences in the group.

In August, 1879, the treaty was signed by which Great Britain recognized the independence of Samoa; and it was not until 1883 that the subject of British colonial annexation began to be actively discussed in Australia and New Zealand. The basis upon which the agitation rested is well stated in a letter from Governor Jervois, of New Zealand, to the secretary of state, inclosing a bill proposing a general scheme of permissive annexation of the Pacific islands then under consideration in the colonies.

Then follows the language of the governor of New Zealand—

That the British Government should, under existing circumstances, take steps for the establishment of its rule over such islands in the Pacific as are not already occupied by or under the protection of a foreign power, and the occupation of which by any foreign power would be detrimental to the interests of Australasia.

It was said at that time that the German traders were willing for this annexation. In November, 1883, Malietoa made a direct application to Great Britain for the annexation of Samoa, and said:

I and three-fourths of the chiefs and people of Samoa wish to see put up the flag of Great Britain at once.

It is also stated by Captain Ackland—

That German traders would not object to annexation to Great Britain, but merely as a matter of sentiment would rather see the German flag flying, for they feel that this colony would thrive much better under the British flag than under the German or Samoan.

That was in 1883. In the year following the king addressed the most piteous appeals to the Queen of Great Britain directly begging the queen to annex these islands to New Zealand. Here is the letter, which is dated a year after the first movement.

Mr. MORGAN. The Senator will allow me to inquire whether it is the duty of the United States Government to hold Malietoa in his kingdom and royal authority in the Samoan Islands after he has made a proposition of that kind and supplicated the Queen of Great Britain to allow him to throw off his allegiance and abdicate in favor of the Queen of Great Britain, and thereby violate the treaty with the United States?

Mr. SHERMAN. If the Senator from Alabama will only be a little patient I will come to that in due time.

Mr. MORGAN. Very well; I shall be patient, then.

Mr. SHERMAN. Here is the letter. I will ask the Secretary to read the letter so that it may go upon the record.

The PRESIDENT *pro tempore*. It will be read, if there be no objection.

The Secretary read as follows:

[Inclosure D 2.—Translation.]

MULINUU, November 12, 1884.

YOUR MAJESTY: This is to make known to your Majesty that the King of Samoa and the chiefs of these islands have sent a petition to your Majesty, praying that you would set up your government in Samoa.

We have sent that petition to the governor of New Zealand and have besought him to send it, by means of telegram, to your Majesty, and make known to your Majesty that he has received our petition.

We have informed your Majesty that painful anxiety has taken possession of our minds, because we are much afraid of Germany lest she should take our islands against our will.

Your Majesty, we are in distress on account of the Government of Germany lest they should take our islands; therefore we have accepted another treaty with Germany. I wish to make clear to your Majesty, in consequence, that I have accepted the treaty against my will, likewise against the will of my government, but I have accepted it on account of my fear, for I have thought that if your Government should be set up in these islands then that treaty will be of no effect.

I have entreated the English consul here to make clear to your Majesty all the reasons of our fear which have led us to accept this treaty and to make clear to your Majesty the meaning of that treaty, and to inform your Majesty of the great regard of myself and Government for your Majesty and the Government of England, and our great desire to give our islands to the Government of your Majesty.

I respect extremely the Government of your Majesty, and I trust that speedily you will receive favorably our petition.

I am,

MALIETOA, King of Samoa.

Her Majesty the QUEEN OF GREAT BRITAIN AND IRELAND.

Mr. SHERMAN. There are other papers connected with this offer which I will not read, but may possibly hand to the Reporter.

These negotiations or offers extended during the whole of the year, and from the close of 1883 to November 5, 1884, the German Government remonstrated in the most vigorous manner against this proposed annexation. I read now an extract from Mr. Bates's statement:

During December the German Government communicated, through Sir E. Malet at Berlin and Count Munster at London, the information received by it of efforts on the part of the King of Samoa to obtain a British protectorate, and that private individuals had been working in the islands of Samoa and Tonga for British annexation, and requesting an assurance on that subject, and that the Government of Samoa should be informed that such a movement was disapproved by Her Majesty's Government.

Thereupon the German Government remonstrated vigorously against this proposed annexation and insisted upon it that it would be a violation of the treaty.

Mr. HALE. Let me ask the Senator right here, if it will not disturb him—

Mr. SHERMAN. Not at all.

Mr. HALE. Is there anything in any of the proceedings that took place in Samoa after the date of the treaty which the Senator has had read, indicating that any authority there, however set up, whether King Malietoa or the pretender set up by the Germans, has admitted the title of the United States to this property?

Mr. SHERMAN. Why, Mr. President, it is admitted distinctly and expressly in the treaty between Germany and Samoa.

Mr. HALE. I am not speaking about an outside power; but are there any such declarations? I am asking because I desire information; I have not been able to find them. I do find declarations repeatedly made by King Malietoa which conflict with the idea that he acknowledged that the United States had any territorial rights there. Now I have not been able to find, as perhaps the Senator has, declarations by any authority of Samoa indicating that they consider that because of that treaty the United States has any actual right there.

Mr. SHERMAN. I think it is sufficient to say that it is expressly granted by treaty, recognized subsequently by the German and English treaties, and by description, and I have seen nothing in these papers that calls it in question.

Mr. HALE. Take it right here. As late as November 16, 1888, what does the king mean in saying:

The land we are on is Samoan and British, and I wish expressly to inform you that there is no treaty which has been made between Samoa and either Germany, Britain, or America, or France that reads thus: "If the Samoans are at war with one another they must keep away from their (foreigners') lands."

For this reason we can not go away to another place to carry on our war, because the Samoans are fighting on Samoan soil, and we shall have to please ourselves how and where we fight in Samoa, because we still retain our sovereignty.

There is an express declaration as late as 1888 that the then king of Samoa—not the one set up by the Germans, but the one we are supposed to sympathize with—declared that everything there was Samoan and British, and repudiated the idea that by any treaty anything had been granted to us.

Mr. SHERMAN. I remember very well that complaint was recently made by Mataafa, not Malietoa, of the refusal to allow his troops to pass over German soil in Apia, but there is nothing at all in this that is the slightest denial of our right to the Bay of Pago Pago. The king is not so good a scholar and does not know so much about territorial jurisdiction as my friend from Maine, and therefore does not distinguish between the land and the water between Apia and Pago Pago; but the right to the bay is unquestioned.

Mr. REAGAN. The previous arrangement recognized the sovereignty of Samoa over the bay, over the very ground they had ceded.

Mr. SHERMAN. King Mataafa, not Malietoa, was there only con-

tending for what was his right if he was the king. He wanted to pass his troops over German land in the principal island to attack Tamasese, and he insisted that the dominion and sovereignty of that island had never been surrendered. He was right. That land was in one of the villages forming the district of Apia, and therefore has no connection with this Pago Pago.

Mr. President, this brings me to another very strange proceeding, and that is a treaty made by Germany on the 10th of November, 1884, only two days before King Malietoa had piteously begged the Queen of England to take Samoa into her embraces. The German Government, or the German consul, rather, because he seems to be supreme there, entered into a treaty on the 10th of November, 1884, which is bitterly complained of by Malietoa, bitterly complained of by the authorities, and referred to by him in his letter to the queen. The German consul, with military force, as he charges, compelled him to sign a treaty and then refused to give him a copy of it or to read it to him. Whether that be so or not I do not know, because I think there must be a good many statements in these documents that can not be relied upon as absolute verities. But the fact is that the treaty of November 10, 1884, was ratified or approved in the first instance by the Berlin Government and was communicated by it to our Government. An appeal was made by the German Government to the American Government to acquiesce in that treaty of November 10, 1884, which practically made German power supreme over Samoa. It established a German council to rule and govern the country, and superseded the municipal board of consuls. A copy of that treaty is contained on pages 5 and 6 of the document I now hold in my hand.

Mr. FRYE. And Malietoa repudiated that treaty.

Mr. SHERMAN. Undoubtedly. But notwithstanding Malietoa said it was done under duress, and they refused to give him a copy of it, and he did not know what was in it, it was sent to Germany and treated by the Germans as a valid treaty, and here is a long document communicating it to Mr. Frelinghuysen, then Secretary of State, February 24, 1885.

Mr. MORGAN. I ask the Senator from Ohio if the United States Government ever became a party to that convention?

Mr. SHERMAN. Never. It was finally abandoned by all. Mr. Alvensleben said:

The Imperial Government intends to ratify this convention in consonance with Article VIII, and to see to it that the provisions of the same are carried out.

While informing the Government of the United States hereof, the Imperial Government expresses the hope that its efforts to introduce order into Samoa and to obtain guaranties for a peaceful development of this group of islands will meet with that appreciation and assistance on the part of the American Government which the intercommunion of our interests in the islands and the friendly relations between the German Empire and the United States lead us to expect.

Mr. Frelinghuysen, in acknowledging the receipt of that paper, which he does in a formal way, adds:

The interesting points presented in this communication will doubtless receive full consideration at the hands of my successor in office, to whom I take pleasure in leaving it, inasmuch as it is deemed inopportune to prejudge the future course of events in this relation during the brief remaining term of the present administration.

This was of the date of February 24, 1885, and he naturally turned it over to his successor.

One provision of the alleged treaty of November 10, 1884, is as follows:

A German-Samoan council of state shall be formed. To it shall belong the German consul or his representative, two Samoans, one of whom shall be appointed by the king, the other by the vice-king, with the advice and consent of the Taimua and Faipule, and two Germans, who shall be appointed by the German consul.

In other words, they provide for an exclusive German board of control, with almost absolute power over Apia, the region which had been specially set aside as neutral territory by the three nations, open to all the vessels of these three nations, and to be governed by the consuls of all nations that might become parties to the arrangement. This agreement of November 10, 1884, was at once denounced and repudiated by the British Government. It was communicated to us, and Mr. Bayard in due time stated the objections to it; but even before this occurred and before Mr. Bayard had come into office the German Government itself, on the remonstrance of Great Britain, repudiated it and it fell still-born.

I bring forward these facts to show that dependencies of Great Britain endeavored through colonial agents—not through the Government of Great Britain, but by its colonial agents—to bring about the annexation of these islands to New Zealand. Germany also, on November 10, 1884, entered into an agreement by which they would have established an absolute German government in these islands, and, as I will show you after a while, the United States, not to be behindhand, at one time by Mr. Greenebaum, its consul, asserted the power of the United States and raised the flag of the United States in Apia over that of Samoa, and thus in effect asserted a protectorate over Apia. I will come to that in a moment.

Mr. President, after this treaty had become abortive, then the German consul took a different tack in respect to this matter. He issued a proclamation of the date of January 23, 1885, practically taking possession of Apia. Here is the proclamation, on page 212.

The German consul wrote this letter of the same date, directed to His Majesty, King Malietoa:

On the 6th of November of last year your Highness and your Government appeared before the German consulate to humble themselves.

You acknowledged thereby that you had for a long time disregarded German treaty rights.

I do not think it necessary to read all of it.

In a letter which your Highness wrote to me on the 20th of November you say that it is generally known that Samoa was to be taken by force by the German Government.

Since then the followers of your Highness have not ceased to malign Germany.

Seumanu and Lauati have repeatedly, in meetings, designated Germany as a robber land, as a country of slavery, and as a country without religion. Under these circumstances it was impossible to fulfill the articles of the agreement of the 10th November.

So he repudiates those articles.

Germany can no longer look upon this state of affairs with equanimity, and I, as representative of the Imperial German Government in Samoa, had to concert measures which were likely to secure the rights and interests of German subjects in Samoa.

For this purpose I shall, in the name of the Imperial German Government, and subject to the approval of the same, take possession, as security, of all the land which now constitutes all the municipality of Apia, as far as your Highness and your government's sovereign rights are concerned, and the Imperial Government will so long assume these sovereign rights until an understanding has been successfully arrived at with the Government of Samoa which will make German interests secure in Samoa, and will make difficulties such as heretofore have arisen impossible in future.

As a public manifestation of this taking possession, there will be landed in Mulinu, this morning at 9 o'clock, a detachment of imperial officers and seamen, and the imperial flag will be hoisted there.

At the same time I give your Highness the assurance that no hostile action toward Samoa is connected therewith. No one will be molested, and no house or property of Samoans will be injured. I expect, however, that the Samoans themselves will commit no hostile action. Only misfortune would be the result to your Highness and Samoa.

May it prosper with your Highness.

STUEBEL,

Imperial German Consul pro tempore.

What was threatened was done. So, practically, Apia was taken under German control. I do not now refer to the controversy to express an opinion on its merits, for the American consul and the British consul protested against the acts of the German consul and often refer to it. It is not necessary that I should do so. I wish simply to emphasize the action of the local officers of these two great powers, acts not denied but justified by the party committing them.

These acts, however, having in due course of time reached Germany, were disclaimed by that power, although the consul was still retained in office. A formal communication was made to Mr. Kasson by the direction of Prince Bismarck and reported to Mr. Frelinghuysen on the 9th of February, 1885, in which the German minister communicated to Mr. Kasson a telegram from the German consul, dated Samoa, January 28, setting out in substance what I have already read, this proclamation and notification and what he had done under it, and then disclaimed the act of the consul-general. He said:

They had no intention to violate the understanding with the United States and England, but, on the contrary, would maintain it. They neither intended to take possession nor to establish a protectorate there, but would adhere to the *status quo*. He desired my Government to know promptly that if the consular act signified either, it was unauthorized, and would be disavowed.

The same communication passed from the German Government to the English Government.

It was about this time that some question was made as to American rights in the municipality of Apia, and they are thus stated by Mr. Bayard:

The municipality convention, although signed by our representative, has never been ratified by this Government, and, consequently, ratifications have not been exchanged by us, as they have been between Great Britain and Germany. It may, therefore, be an open question whether our tacit acceptance of that convention and the entrance *de facto* of our consul into the municipal council of Apia give us any right to resent supposed German interference therewith. Great Britain, to judge from the tenor of correspondence, does actively oppose the German movement as seeming to tend toward a more or less complete German protectorate.

Then Mr. Bayard says:

We have received from the German Government positive assurances, voluntarily given, that it has no desire or intention to interfere with the autonomy of the group, or with the relations which the other powers bear thereto in common with Germany. The English Government has publicly expressed its repudiation of any native movement looking toward the annexation of Samoa to the Fiji system under the British flag. It seems hardly necessary for this Government to make any such formal disclaimer.

Up to this time, although these nations had severally assumed and asserted a jurisdiction and power over Apia, and the German Government had gone further, yet they were constantly disclaiming any purpose to affect the joint occupation and arrangement made between these powers and Samoa as to Apia.

Mr. President, soon after the act of the German consul, disavowed by the German Government, it became manifest that the German consul and German traders organized the rebellion of Tamasese, headed by a gentleman by the name of Weber, who is at the head of the German trading firm in Samoa and was formerly consul. I wish to say here that nearly all the acts inconsistent with our treaty stipulations were done either by German consuls or by German and English traders,

and perhaps American traders interested in the commerce of that country are not free from blame. All the acts complained of came from the struggle or business strife of local authorities or traders for power and influence over the people of Samoa. That is shown all through these papers.

On pages 172 and 173, in the statement of Mr. Bates, he says:

In spite of that fact, it remains true that immediately after the raising of the imperial flag a partial disruption of the existing Samoan Government occurred; that the vice-king, therefore, acting in harmony and co-operation with the government, departed from Mulinu, after staying just before doing so that he was going to leave; that the Germans were now going to support him, and that he was going to set up a government at Lulunoega. With this man, who thus became the head of a rebellion, the relations of Dr. Stuebel, so long as he remained in Samoa, were close and intimate; so much so that in last June, during the efforts to promote peace among the natives, he conducted negotiations between the consuls and Tamasese; and although his government recognized, and still recognizes officially, the government of Malietoa, he was the agent through whom all communications with those in rebellion were made, and at whose instance they disbanded their armed forces.

In addition to this, Mr. Weber, the head of the large German company in which are centered the principal German interests of the islands, at the time of the outbreak was openly active in promoting schemes for bringing about a revolution, and from that time to the present was, almost without attempt at concealment, largely engaged in the supplying of arms to the insurgents.

This sale of arms to the natives was considered both by the English and Americans as a grave offense. The Governments of Great Britain and the United States had provided not only by their laws but in their treaty arrangements that fire-arms should not be furnished to the native inhabitants there, while the Germans did supply them, according to the statement of Mr. Bates and according to other admitted statements here on record.

The German fleet made anchor at Apia some time in May, 1886, with several vessels. A communication was addressed by the secretary, Selu, as he signs himself, of His Majesty Malietoa, King of Samoa, to Admiral Knorr, commander of the fleet, as follows:

SIR: I am commanded by His Majesty Malietoa, King of Samoa, to express his sorrow at the strange and remarkable treatment to which His Majesty has been subjected by the officers and servants of His Imperial Majesty the Emperor of Germany.

Then he goes on:

His Majesty the King of Samoa has for years humbled himself to Germany, or rather to its unworthy representatives here, Dr. Stuebel and Mr. Weber, in order to maintain peace, but is now determined to appeal direct to the people and Government of America and England for sympathy and assistance upon a full statement of the whole matter.

His Majesty being bewildered and alarmed by your conduct, and not knowing to what extent the violence of Dr. Stuebel and Mr. Weber may yet lead you, has, after consultation with his ministers, felt compelled to invoke the assistance of the United States consul, under whose guardianship he has placed the Samoan flag, and to whose charge he has intrusted the safety of his people.

To that very humble and almost abject letter from a king one would think this a strange reply of the vice-admiral and chief of the cruising squadron, Admiral Knorr:

CRUISING FLEET, APIA, May 9, 1886.

The Head Chief MALIETOA, Apia:—

He no longer calls him king—

Your letter received, and the following is my answer:

I have not been sent here, as you say in your letter, to settle any difficulties between the Government of Germany and the Government of Samoa.

This is the business of the imperial political representative at Samoa, Consul-General Dr. Stuebel, whose official actions to investigate I have no right to. And also it is not possible for me to treat with a party government which in a rough and unthankful manner opposes the treaty not only, but also offers the rightful German influence most objectionable opposition.

Then there is a further communication more insulting in its character and detail, signed by von Holzendorff, captain-lieutenant and flag-lieutenant, which is also addressed to the head chief, Malietoa, no longer king, according to their idea.

Mr. GRAY. I am listening to the Senator with great interest. He said awhile ago that these acts of the German admiral and the German people in Samoa which he has been recounting were inconsistent with our treaty stipulations. Will he be kind enough to state what those stipulations were?

Mr. SHERMAN. I read them. I think the Senator was not in. I read them in the earlier part of my remarks. I may allude to them again before I conclude. I would rather keep up the chain of events so as to show the history and give a statement of facts.

Mr. GRAY. I beg the Senator's pardon for interrupting him, but I have read the treaty carefully and I can find no treaty stipulation which bore on the act which the Senator is recounting.

Mr. SHERMAN. It was after the arrival of the German fleet, it was after these insults to the king, after the organization of the rebellion of Tamasese and the sale of arms to him and while the German flag was still flying over Samoa, that Berthold Greenebaum, United States consul, on the 13th of May, 1886, raised the United States flag at the request of Malietoa over the public buildings. For a time that had a very happy effect. The immediate result of this act, unauthorized as it was, checked the actions of the German local authorities. The act of the consul was done 6,000 miles away from Washington, and, whether authorized or not, checked the course of the German consul. Soon after Greenebaum raised the American flag the three consuls again joined in a declaration that Tamasese had never been recognized

by either of them as king, but that Malietoa was king. I insert this proclamation:

PROCLAMATION.

We, the consuls of Germany, Great Britain, and the United States of America hereby give notice that we and our Governments do not, and never have, in any way, ever recognized Tamasese as King of Samoa, and order all Samoans to return to their homes, and remain quiet and peaceable.

And we further demand the continued enforcement of the convention, especially with regard to the neutral territory of Apia.

DR. STUEBEL,
Imperial German Consul.
WILFRED POWELL,
Her Britannic Majesty's Consul.
B. GREENEBAUM,
United States Consul.

The act of our consul was held to be without authority. As soon as the Government of the United States was informed of the act of Consul Greenebaum it was disavowed, and I think properly disavowed, because he had no more right to raise his flag or to assert a protectorate over that region of country than either the German or English consul; but it shows that what was done there by the consuls—the real rulers, leading high-priests you may call them—was done under the pressure of circumstances, the excitement of the moment, and by each in turn, one after the other, asserting power, not neutrality, in plain violation of the treaty.

I wish to place on record the statement made by the English commissioner, Mr. Thurston, who was sent there at the same time with Mr. Bates:

On the 13th, however, Malietoa, alarmed by the support he believed was being given by the German authorities to the opposition chief, Tamasese, had applied to the consul for the United States for assistance and protection.

The application was acceded to by Mr. Greenebaum, the United States consul, who on the 14th wrote out a notification, which, in consequence of delay in printing, or for some other unexplained cause, does not seem to have been published until the 16th.

Upon the 16th, after the German squadron had left the port of Apia, the United States consul hoisted the Samoan flag under the American colors, as an indication that he had, on behalf of his Government, assumed a protectorate over Samoa.

On the same day that the German fleet left, Her Majesty's ship Diamond arrived, and on the 20th the United States ship of war Mohican also anchored at Apia.

Such was the state of things in the spring of 1886. Practically the German power had been established in Apia, and practically King Malietoa had been deposed. He was excluded from Apia, and Tamasese was recognized by the German authorities. There was no pretense of an election of Tamasese. There was no claim that Malietoa had done anything, except that he did not conform to the wishes of the German consul. At this stage, while both the German and American flags were flying in Apia and the hostile forces were facing each other, the consuls happily agreed to the proclamation already quoted. Then, as stated by Mr. Thurston—

The German flag was then lowered, the attachment upon the municipality of Apia removed, and a joint proclamation issued that neither the consuls nor the respective Governments did, or ever had, "in any way recognized Tamasese as King of Samoa."

This shows that an agreement of the consuls was peace in Samoa, and a disagreement was war between Malietoa and Tamasese.

That was the state of things on the 1st of June, 1886. Then it was that Mr. Bayard undertook to bring about a conference of the three great powers in order to establish peace and a solid government in that country. The telegrams and the correspondence are contained in this document. Germany promptly acceded to the proposition that the German minister here should meet with Mr. Bayard and the English minister in conference, and the three were freely to confer about these matters. When they got together they had not the information upon which they could act, and they then agreed that each should send a confidential agent of its own to Samoa to report separately to each government and thus furnish a foundation for an agreement, or at least the facts of the situation. This proposition was agreed to, and Mr. Bates was selected as the American commissioner and was sent there. Mr. Travers was the German commissioner, and Mr. Thurston was sent from England. These gentlemen met there, but it was found that there was a radical difference among them as to their instructions and as to the objects that they had to accomplish. It is stated here by Mr. Bates in his elaborate report of his mission, extracts from which I shall have occasion to read:

In our joint conference two points were developed upon which Mr. Travers differed essentially from Mr. Thurston and myself. The first related to the end to be accomplished. Mr. Thurston and I understood clearly that the object in view was to compass the establishment and maintenance of an autonomous native government, to be supported so far as necessary by the joint influence and action of the three powers. Mr. Travers did not communicate to us the precise nature of his instructions on this point. He was, however, very clear and explicit at that time in the statement of his own conviction that no autonomous native government was at all practicable.

Now comes a feature of this negotiation that I can not explain from the documents before us. These agents were sent out. Their reports in due time came back. The conference at Washington adjourned from time to time to await this information from Samoa. The information desired is stated at great length in the reports I hold in my hand. Each report was communicated to the other governments. Yet, after they had been made, before the conference could act upon the matter and even pending the investigation, the German consul deposed Mali-

etia, set up Tamasese, brought him with an armed force into Apia, and there installed him in office as king. Malietoa, who seems to have been a kind man, wishing to avoid bloodshed, was persuaded to preserve the peace by the American consul, Mr. Sewall, acting under instructions. He is evidently an intelligent man, of education and culture, who conscientiously performed to him a disagreeable duty. Under the order of the Senate he has been examined under oath and gives a full and, no doubt, a very accurate statement of the whole proceeding in his testimony. He, under instructions from the State Department, persuaded Malietoa to preserve the peace under every circumstance.

It was perfectly manifest upon the face of the papers and in the opinion of our naval officers then present that Malietoa could in a single day have beaten down the rebellion of Tamasese, for, strange to say, the opposing forces were not very far apart in hostile camps or villages and had been for a long time. Malietoa was ready to attack Tamasese; he wanted to do it; but he was persuaded by the American consul, and by the English consul as well, under no circumstances whatever to make the attack.

While this state of things was existing the German fleet came into the port of Apia and there set up Tamasese, proclaimed the deposition of King Malietoa, and sought to capture him. The king, knowing how feeble was his power against the armed forces of the German Empire then present, surrendered, went on board of a German ship, and is now a prisoner in the custody of the Germans.

Mr. President, this is the worst feature of the case, because at the very time this thing was done there were negotiations going on at Washington between the high functionaries of the three powers to secure upon a sound and good and honest basis the restoration of the *status quo*, the maintenance of the local government in Samoa, and the joint protectorate of these three commercial powers in harmony with existing treaties.

But Malietoa was a prisoner. The Senator from Alabama asked me awhile ago if I would ask to restore him. I do not say anything about that; I leave that to the powers that are negotiating; but it would seem to me that if exact justice was done between these parties Malietoa ought to be restored; that the *status quo* ought to be secured; and that these several powers ought to act in harmony together, like great Christian nations, to preserve the peace there, if possible, and to provide a local government in a lawful way in harmony with the rights of the different nations. That would seem to me to be the natural course.

I am not stating these facts and circumstances for the purpose of saying who is wrong or who is right, or whether the Germans were justified in the course they pursued in regard to Malietoa. I can only say that in these papers I do not find that justification. If you turn to the diplomatic papers you will find that Prince Bismarck, whose strong mind and imperial will are shown in all the papers contained in this book, emanating from him, always from beginning to end in every instance asserts the rights of each of the three powers to equal rule, but insists as a matter of policy that it would be better to place the government of these islands under the control of one of the powers, and as Germany, as he claims, has the largest interest there, the largest property interest at least, it had better be placed under German control and power, providing, however, treaty stipulations to protect Englishmen and Americans in their rights there.

That is now the point of controversy between these two nations. I do not intend to detail the events that followed, the continued civil war, the setting up of another king. Malietoa having gone, being a prisoner, his adherents, instead of yielding, set up Mataafa as king under the name of Malietoa Mataafa. The word "Malietoa" meaning king, he announced his name as Malietoa Mataafa. He now claims to be king, and he seems to have the popular will, the popular feeling, and the military strength on his side. He has been fighting the battles that have been recently fought. They have not been fought in the name of the former Malietoa. He is a prisoner, God knows where, no doubt in safe custody, but Mataafa has been set up by the chiefs according to their local law, and Tamasese is treated by them as a rebel. They have been willing at any time to fight him, but were held back. According to all the testimony in all the papers that are laid before us it would seem that if all European power was withdrawn from those islands Mataafa would promptly become king. There is no doubt about that.

Mr. MORGAN. If it would not interrupt the Senator, I should like to ask him a question. The Senator refers to the pending conference between the German Government, the British Government, and the Government of the United States in regard to Samoan affairs, and, as I understand him, asserts that the dethroning of Malietoa and the introduction of Tamasese into the royal authority there was the worst feature of the whole case. Does the Senator think that that act on the part of the German Government violated the original treaty that we had with Samoa?

Mr. SHERMAN. I do not intend to discuss the question of treaty rights. I leave that to the diplomatic powers for the present. I am merely giving a statement of facts to show the situation of affairs there the present President, Mr. Cleveland, and his successor must have to deal with. The Senator may, perhaps, see that I do not care to enter

upon the question of the construction of a treaty in the open Senate, nor the duty imposed upon the President of the United States.

Mr. MORGAN. The Senator from Ohio, I suppose, would admit, or state perhaps to the Senate and to the public, that there was nothing in the conference between the three powers that was at all obligatory on any one of them that they should remain in conference. There was no treaty engagement or convention engagement by which they agreed that they would go into conference?

Mr. SHERMAN. There was no treaty engagement, but there was that understanding which grows out of an agreement of three great powers to have high officers of each meet together to confer on the subject. It is not in the nature of an agreement—

Mr. MORGAN. But it is in the nature of a discourtesy, taking this strong action pending the conference.

Mr. SHERMAN. I think so, but then I do not care now to discuss or criticize the conduct of the German Government. They give their own reasons, and Prince Bismarck is able to defend himself. I do not go into that discussion, but I may say that it seems to me that pending the conference in Washington, while Bates and his comrades were gathering the facts, and before those facts could be acted upon by the respective governments, these three conferees being in this city, that no action should have been taken by either of the powers to change the status, and especially that no such action should have been taken at Samoa as the deposition of one king and the setting up another.

Prince Bismarck in one of the letters excuses the German minister because he was absent in Europe on his regular leave, and says he will no doubt return in due season. All of the parties seem to treat this conference as an existing thing, and it is still open. In the very last communication from Prince Bismarck printed here, he speaks of it as being a matter that can yet be arranged, and I trust it will be arranged.

Mr. GEORGE. I desire to ask the Senator from Ohio a question right there. Was any notice given by the German Government at all that they regarded this pending conference to be terminated, that is, prior to the time when they deposed Malietoa?

Mr. SHERMAN. Oh, no. The deposition of Malietoa was during the time of these events, shortly after Bates had gone there.

Mr. GEORGE. Was any notice given by the German Government of the intended proceedings to depose him?

Mr. SHERMAN. They generally gave notice after the proceedings were had.

Mr. GEORGE. Not before?

Mr. DOLPH. Notice was given six days prior to the actual fact.

Mr. GEORGE. How was that?

Mr. DOLPH. Notice was given to our Government in Washington six days before the thing was done in Samoa.

Mr. SHERMAN. I think you will find that diplomatic forms have been observed throughout, with a polite request that our Government will accede or agree to them, etc.

Mr. FRYE. The diplomatic forms were all observed, do I understand the Senator to say?

Mr. SHERMAN. Yes, the forms were observed.

Mr. FRYE. What! In giving a notice when the Germans knew that it was an absolute impossibility for the United States to receive the notice?

Mr. SHERMAN. That was in form all right, but the substance was not observed. The notice did not allow time for this Government to act or to advise our authorities in Samoa what to do.

Mr. MORGAN. What notice does the Senator from Maine refer to?

Mr. SHERMAN. Since then, only the other day, I have here a very interesting account from there. It seems that one of our newspaper correspondents, Mr. Klein, is becoming a knight-errant out there. I have his account here.

Mr. MORGAN. I should like to inquire of the Senator from Ohio, as this feature of the matter he is discussing now is new to me, what notice does he refer to as having been given by the German Government in respect of this conference?

Mr. SHERMAN. The Senator from Oregon [Mr. DOLPH] interrupted with a statement about the notice of six days. That did not apply to the conference at all.

Mr. MORGAN. Not at all.

Mr. SHERMAN. That applied to the movements in deposing the king.

Mr. MORGAN. Yes.

Mr. SHERMAN. And setting up Tamasese.

Mr. MORGAN. And a demand of \$13,000.

Mr. DOLPH. If the Senator will permit me, I will state that it was a notice from the German minister here to our Secretary of State six days before the actual deposition and deportation of King Malietoa from Samoa that the German Government intended to make war upon Malietoa.

Mr. FRYE. But that notice was given here in the city of Washington six days before the deposition, when it was perfectly understood that it would take thirty days to get any word from our Government to the islands, and therefore perfectly understood that the notice was mere nonsense.

Mr. SHERMAN. The Senator from Alabama is talking of a notice

about the conference at Washington, to which he gives no doubt great attention. The other Senators are talking about the notice to our Government about the proposed deposition of the king.

Mr. MORGAN. The question put by the Senator from Mississippi [Mr. GEORGE], as I understand it, was whether any notice had been given by Germany of her intention to abandon the conference.

Mr. SHERMAN. I do not think there was.

Mr. MORGAN. The notice given, however, as I understand it, was this: That the German Government had occasion to make war or to prosecute hostilities against Malietoa and the party that followed him as individuals, separating them from the Samoan Government and regarding them as a faction in the Samoan Government that deserved punishment for certain trespasses alleged to have been committed upon the German plantations. That is what I understood was the notification that was given six days before the troops were landed for the purpose of executing that purpose on the part of Germany; but no notice was given of the termination of the conference, and so far as I have ever heard about it, that conference is on now.

Mr. GEORGE. Does the Senator from Alabama say the conference is still on?

Mr. MORGAN. It has never been determined. There has been no end put to it.

Mr. SHERMAN. When I get a chance, I will go on.

The PRESIDENT *pro tempore*. The Senator from Ohio is entitled to the floor.

Mr. SHERMAN. Two interesting statements were made by Prince Bismarck. One is communicated by Mr. Pendleton to Mr. Bayard of the date of October 13, 1887.

Mr. HOAR. Give the page.

Mr. SHERMAN. It is on page 85. He there refers to the conference that had been held, and makes some statements in regard to the reason why the German minister could not be there at the time. But the more formal and much the longer statement of Prince Bismarck to Baron von Zedtwitz, which was communicated to our Government, is contained on page 96 of this document. He goes over the whole ground, complaining of the American consuls, of their unfriendly acts to the German power, setting out his views as to the best mode of government in the Samoan Islands, the substance of which is that the power having the largest interest, which was Germany, should have practically the executive control, with proper stipulations protecting the existing rights of both the United States and Great Britain.

He goes into the subject at full length. It is rather in the nature of an attack upon the course adopted by our various consuls. To that Mr. Bayard replied at great length, and I must confess that the reply of Mr. Bayard, while able and containing a fair résumé of the whole matter, does not present in a vigorous way the repeated, continuous, and cruel conduct of the German consuls and traders in violation of the treaty rights of the United States and those of Samoa, for whom we had pledged our friendly offices.

Prince Bismarck with great acuteness attacks Consul Greenebaum for what was afterwards disavowed by the Government, and also our present consul, Mr. Sewall, and he complains of them. Mr. Bayard, instead of answering these complaints easily as he might have done, does not review and state in an energetic way the wrongs committed by Dr. Stuebel and Weber. Mr. Bayard might have retorted upon Prince Bismarck a full statement of the facts that I have stated here imperfectly, of the disregard of the German Government of the rights of the several powers and also its conduct toward the king. It seems to me that the time was opportune for him to present the argument of our side. But I make this mild criticism with no desire to find fault.

Mr. GEORGE. On what page is Mr. Bayard's dispatch to Bismarck?

Mr. MORGAN. Will the Senator be kind enough to state what dispatch it is to which he has referred?

Mr. SHERMAN. It is a very long dispatch, covering, I think, nearly twenty pages.

Mr. GEORGE. Is it the one commencing on page 107?

Mr. SHERMAN. It commences on page 107 and terminates at page 121. I do not wish to be regarded as criticizing the ability of this paper, but it seems to me that Prince Bismarck has never had from the American Government its views of the various acts that I have repeated here as to the harsh conduct of the German consuls and traders to the king and people of Samoa. It is more like the grasping rapacity of a trading company than the treatment by a great government of a weak and humble people. I would rather see Prince Bismarck's reply to such an arraignment than a reply by our Government to a charge of unfriendly feeling of certain American consuls, excited no doubt by the harsh treatment of the people to whom they were accredited. So far as I can see, Mr. Sewall, in his conduct at Samoa, was wise, forbearing, and just. Certainly in his correspondence and testimony, which is full of information, he appears as a man of ability, good heart, and of education, who, so far as I can see, has done nothing deserving criticism. All that he feels now is the self-reproach that in obeying his instructions he prevailed upon the king not to put down the rebellion of Tamasese. I gather, if I can read his testimony aright, that this is the feeling with Mr. Sewall, that he was compelled by his instructions to prevent any blood being shed by Malietoa, and in that

way, while actually persuading and succeeding in persuading him to desist and not to shed blood, he exposed Malietoa to the deposition and the imprisonment which followed.

Mr. MORGAN. To what paper of Mr. Sewall's does the Senator refer?

Mr. GEORGE. I understand that the British consul joined in that persuasion with Mr. Greenebaum, that Malietoa should not have blood shed.

Mr. SHERMAN. He did. Both consuls joined in prevailing on Malietoa not to exercise any force.

Mr. MORGAN. I should like to be informed as to what paper the Senator from Ohio refers.

Mr. SHERMAN. Of Mr. Bayard's?

Mr. MORGAN. Of Mr. Sewall's.

Mr. SHERMAN. I refer to his testimony here. I could not refer to it in detail. Mr. Sewall states in his testimony, if I remember aright, something like this: He was instructed—

Mr. MORGAN. I beg to interrupt the Senator from Ohio by stating, if he is not aware of it, that no statement of Mr. Sewall has ever been made public on this question except what letters may be found from him in the documents communicated by the President of the United States to the Senate. If there is any outside testimony or statement, that is not up for consideration now.

Mr. SHERMAN. I think I am justified in referring to the testimony of Mr. Sewall, even if it is not made public. In debating this question in the Senate I have felt a little embarrassed. I would have quoted largely from Mr. Sewall's testimony, but as it has not yet been made public I think I am justified in stating the general result. Some time or other, no doubt, it will be made public.

Mr. GEORGE. It is testimony taken before whom?

Mr. SHERMAN. Before the Committee on Foreign Relations.

Mr. MORGAN. In executive session?

Mr. SHERMAN. In executive session.

Mr. MORGAN. Here is the difficulty, if the Senator will allow me. We are forced here to discuss the Samoan question in open session—

Mr. SHERMAN. Then make it public.

Mr. MORGAN. Upon testimony to which we dare not allude.

Mr. SHERMAN. I have scarcely alluded to it except for this one reason, and I think it ought to have been made public. It should have been made public before this time.

Mr. MORGAN. It is not complete.

Mr. SHERMAN. I do not know anything about its completeness. It looks pretty complete. It is very full.

Mr. MORGAN. It is not complete, however.

Mr. DOLPH. It was taken under a resolution introduced in open session.

Mr. SHERMAN. The testimony, I may say, was taken under a resolution introduced in open session, and this gentleman was called back from San Francisco to give this testimony. While I have not quoted from it, I have felt justified in stating its general results.

Mr. GEORGE. Has the testimony been printed?

Mr. SHERMAN. It is in print, and a resolution of the Senate can at any time make it public.

Mr. HOAR. It has not been printed for the use of the Senate?

Mr. SHERMAN. It was printed for the use of the committee.

There is another important fact that I wish to bring out here as clearly as I can. In the recent communication submitted to us by the President of the United States it would appear from a debate that occurred in the British Parliament inferentially, I admit, that the British Government will probably acquiesce in German occupation, or in the views taken by Prince Bismarck as to the best mode of occupying for the benefit of the treaty powers the municipality of Apia. I gather that from the document sent to us by the President of the United States on the 16th of January, 1889, on pages 16 and 17, which gives an extract from the London Times of November 18, 1888, in which it appears that a member of Parliament had put the question to the government, calling for information in regard to Samoa, and asking specifically whether the British Government would acquiesce in the claim made by Germany of having practically controlling power in Samoa. I will not read this answer, but I refer to it as a public document that anybody may look at.

Mr. GEORGE. What is the number of the document?

Mr. SHERMAN. It is Senate Executive Document No. 68, under date of January 16, 1889, the last document we have. From this it would appear inferentially, at least, that the Government of Great Britain, now represented as it is by Lord Salisbury as foreign minister, will acquiesce in substantial German supremacy in that country. Whether my inference is right or not, I leave it for every one to judge without reading it all through.

I said a moment ago that I wished to call attention to another feature of this contest. I refer to one of our American citizens—I suppose him to be, although it is not certain whether Mr. Klein is an American citizen or not. At any rate, it seems he has been playing the knight-errant there in Samoa. The Government of the United States is in no way responsible for it, and in no way can it control his action. He is a newspaper reporter for one of the San Francisco papers. I have here

his statement, covering over a page of the San Francisco Examiner, giving his account of the recent troubles in Samoa, giving an account of a fight which resulted in a loss of twenty killed to the Germans and a large number of wounded.

I also have here in another slip taken from a London paper an article giving the German account, in which they charge that Mr. Klein was the commander-in-chief of the party of Mataafa; that he fired the first gun; that he was the leader of the hosts on that side, which seems to have inflicted a severe loss upon the Germans. In the statement of this man, somewhat vain-glorious in his style, he denies that, and shows that he had nothing to do with it though he went along. He sympathized no doubt with them. He went along as a newspaper man and took note of the fight. You can not tell from his account that he took part in it. The account is given in detail, and the Government of the United States is in no sense responsible. But this recent attack shows clearly that Mataafa, at present assuming to be king, has the power there over public opinion, and if Tamasese was not supported by foreign influence and held there under the guns of the German fleet, if he was not protected and defended in that way, there would soon be an end of the trouble by the success of Mataafa over his competitor. Such is the state of things existing there. I have carefully avoided making—

Mr. HOAR. I wish to ask the Senator a question for information at some convenient time to him. I see he is near ending his narrative, and I will ask him now. I see that Sir J. Ferguson, in his colloquy, in answer to a question in the House of Commons December 18, 1888, says:

His honorable friend—

That is, the person putting the question—

His honorable friend was aware that some time ago an arrangement was made with other governments by which our influence in the Pacific was to a great extent limited, the object being to place each group of islands under one European power, to whom the traders might look for the maintenance of law. He hoped it would not be long before the troubles at Samoa were healed.

Taking that sentence in connection with the disavowal of any inconsistent action, with the action of Great Britain in the conference, it would seem to imply that there had been previously some arrangement between Great Britain and Germany looking to the establishment of German control in Samoa.

Mr. SHERMAN. The Senator misapprehends me. I read the treaty in the beginning between Germany and Great Britain, in which they divided—

Mr. HOAR. Is that the treaty to which this refers?

Mr. SHERMAN. It is, and that expressly reserves the Samoan Islands from the operation of that division, and consequently he did not know, and, questioning the minister hastily, he did not understand it.

Mr. President, the conclusions to which I have come, without wearying the Senate any further, are that the first thing to be done is to assert our power and occupancy and possession of the Bay of Pago Pago, and so much of the shores of the island of Tutuila as is necessary for a coaling station. This is a mere rocky island, comparatively, of a few square miles, but it possesses this magnificent harbor, and one of the amendments to this bill proposes that we shall take possession of it, occupy it, erect a coaling station there and such other buildings as may be necessary. That ought to be done immediately, because it is manifest that whatever may happen in regard to controversies in the South Sea Islands, having secured by law and by treaty a foothold there, we ought to secure that, and not treat it as we have done our privileges in the Hawaiian Islands. The Government of the United States undertook, or started to do it some time ago, but without saying anything in respect to the mode in which it was defeated it was finally dropped out of the appropriation bill on the score of economy. If we had had a foothold in this bay as firmly and as strongly as the Germans have theirs in their bay, I believe American interests would not be so endangered as they are to-day.

It needs no war to protect the nation's rights. The mere assertion of those rights, a due regard for them, the expenditure of money there, the storing of coal there, the landing of vessels there—all these are an assertion of power far more powerful, far more influential than protocols or diplomatic correspondence. That we ought to do.

Mr. GEORGE. I desire to ask the Senator a question right there, if he will yield.

Mr. SHERMAN. Certainly.

Mr. GEORGE. Do the German Government controvert or deny our rights in the island and harbor to which the Senator has alluded?

Mr. SHERMAN. Not at all. They are expressly set out in the treaty between Samoa and Germany, and so far as I see in all this correspondence there is no question about it. There is this referred to by some one, that the Germans and English and others have bought land around the bay, but there is no objection to that.

Mr. GEORGE. On the same island?

Mr. SHERMAN. On the same island. There is no objection to that. The Samoans own a good deal, and no doubt plenty of Americans own land there on the shore.

The next thing we should do is what we agreed to do by our treaty with Samoa, to use our friendly offices, and when I say that I mean more than a mere diplomatic representation. We should urge and use that moral power, I will say, of a great nation like ours, interested in

this question, in aid of some autonomy, some local government for the people of that island.

Mr. GEORGE. Not threatening war?

Mr. SHERMAN. I do not believe in war growing out of this matter.

Mr. GEORGE. I say in our influence not threatening war; not menacing.

Mr. SHERMAN. I do not think it necessary to menace anybody. So far as I can see from the statements made by Prince Bismarck and the statements made by the English diplomatists, nowhere do they deny our rights and interests there, and although we were not a party to the treaty that set aside Apia, they have freely yielded us equal rights and privileges in Apia, the capital of these islands.

Mr. GEORGE. That is on a different island.

Mr. SHERMAN. There are two large islands, Upolu and Savaii. Tutuila, where our harbor is, is a very small island, but far the most valuable for transit purposes. It is right on the line of the trans-ocean navigation from San Francisco to New Zealand.

Mr. GEORGE. What treaty rights have we on that large island?

Mr. SHERMAN. None, except those which grow out of the agreement as to Apia and the consular municipality there.

Mr. GEORGE. Signed by the consul?

Mr. SHERMAN. The American consul is one of the governors of that island. There are three, but they are subject to the superior power of the German forces just now, as the king set up by them is a mere puppet under the control of the German consul.

We can do all I propose without endangering the peace of this country. I believe this contention can be settled by a straightforward, manly negotiation entered into between these three great Christian powers, to either of whom these little islands must appear to be a mere mote on the ocean; and it would be a shame and a disgrace to our civilization and to our Christianity if these three powerful nations can not agree upon some mode of autonomy, some mode of government for this far-distant region of islands, where we all have equal interests and equal power.

Therefore I do not doubt that in some way or other, by the election of a new king or by some mode of agreement, probably improving their form of government, with the hearty assent of the people of that country, if they are prepared really to assent to anything, a government of that kind may be set up for local purposes there among the islanders, while the great powers may provide for themselves in Apia all the security necessary for their commercial enterprises. That I hope will be done.

Whatever the newspapers may say, there is nothing in the situation that would justify on the part of either nation a breach of the peace until every effort is exhausted to bring about a peaceful and quiet settlement of this controversy. To me it seems the smallest controversy in which the United States could be or has ever been engaged. It does not seem to me that Germany, whose people are like our own, and Great Britain, with their boundless empire, will ever allow the disgrace to be inflicted upon our civilization of having a single man of either of these nations killed in war or contest over this puerile controversy. That is the way it looks to me.

Now, sir, I say therefore, first, we want to assert our rights and maintain and uphold them, and nobody will call them in question. Next, we want to do what we ought to do to these poor people there who first treated with us, who have leaned upon us, and who have reminded us over and over again that we promised them our good offices, and they understand by that something more than a diplomatic note. This we can accomplish. Therefore, Mr. President, I am willing to vote any sum of money to enable the President either to conduct negotiations, to make surveys of the harbors, or to get better information in regard to the country there. I am willing to vote the sum named here and place it at the discretion of Mr. Cleveland or of General Harrison, and I have no doubt with the powers thus given to them to send agents there or to send ships there they will bring about a prompt solution of this small controversy.

Mr. DOLPH. Mr. President—

Mr. HALE. If the Senator—

Mr. DOLPH. I simply wish to take the floor upon the amendment, and then I will yield to the Senator from Maine.

The PRESIDENT *pro tempore*. Does the Senator from Oregon yield to the Senator from Maine?

Mr. DOLPH. I do.

Mr. HALE. I wish to make a suggestion as to the order of business. If it is impossible to come to a vote now upon these amendments, if Senators desire to debate them further, I will not seek to keep the Senate here any longer, but I will, before moving to adjourn, ask unanimous consent, or put it in the form of a motion, that when the Senate adjourn to-day it be to meet to-morrow at 11 o'clock, simply saying that if the debate is to go on upon this bill indefinitely Senators will see the importance of either meeting earlier or having night sessions to dispose of it, in view of the other important matters that are pressing and in view of the short time that remains for the present session of Congress. Now I will move that when the Senate adjourn to-day it be to meet to-morrow at 11 o'clock.

The PRESIDENT *pro tempore*. The Senator from Maine moves that when the Senate adjourn to-day it be to meet to-morrow at 11 o'clock. The motion was agreed to.

Mr. HALE. Now I move that the Senate adjourn.

Mr. EVARTS. Will the Senator yield to me a moment to offer an amendment?

Mr. HALE. I yield for that purpose.

Mr. EVARTS. I have been instructed by the Committee on the Library to present an amendment to this bill now under consideration providing for the removal of the remains of Joel Barlow, who was minister to France and was buried there, the removal and the expense being regulated by the State Department, and I will ask the member of the Appropriations Committee having the bill in charge whether in his judgment this amendment should be proposed to this bill or to the sundry civil bill when it comes up?

Mr. HALE. In answer to the Senator from New York I will say that such matters have been generally placed upon the sundry civil appropriation bill. I think it would be better to refer the proposed amendment to the Committee on Appropriations, and I assure the Senator it shall receive the consideration of the committee.

Mr. EVARTS. That will be the disposition I shall make of it, then.

The PRESIDENT *pro tempore*. The Senator from New York reports an amendment from the Committee on the Library to the sundry civil appropriation bill, which will be received, referred to the Committee on Appropriations, and printed.

REPORT OF A COMMITTEE.

Mr. TURPIE, from the Committee on Pensions, to whom was re-committed the bill (H. R. 8549) granting a pension to Louisa Rogers, reported it with an amendment, and submitted a report thereon.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. DOLPH] is entitled to the floor on the pending amendment.

The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being Senate bill 3401, in relation to the Pacific railroads.

Mr. HALE. I now renew my motion.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 30, 1889, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 29, 1889.

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

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

DEFICIENCY IN NAVY DEPARTMENT PRINTING AND BINDING.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Navy submitting an estimate of deficiency in appropriations for printing and binding for the Navy Department for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT DEFICIENCIES.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimates by the commissioners of the District of Columbia of deficiency in appropriations for the support of the government of the District for 1889 and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

COLLECTION OF REVENUE FROM CUSTOMS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations to defray the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF SURVEYOR-GENERAL ON PAJARITO TRACT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with a letter from the General Land Office, a report of the surveyor-general for New Mexico on private land claim (Pajarito land tract) No. 157; which was referred to the Committee on Private Land Claims, and ordered to be printed.

CONCLUSIONS OF FACT IN SPOILIATION CLAIMS.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, transmitting conclusions of fact and of law in certain spoliation claims; which was referred to the Committee on Claims, and ordered to be printed.

SALE OF LAND OF BLACK BOB INDIANS.

The SPEAKER also laid before the House the bill (H. R. 6364) to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes, with Senate amendment.

Mr. PERKINS. I ask unanimous consent that the Senate amendment to the House bill be non-concurred in, and that the conference asked by the Senate be agreed to.

Mr. McMILLIN and Mr. PEEL. What is the bill?

Mr. PERKINS. It is a little bill referring to about 140 acres of land in Kansas.

Mr. RANDALL. If it takes any time I shall object.

The SPEAKER. The title of the bill will be read again.

The title was again reported.

The SPEAKER. The Chair will state that the amendment of the Senate is quite long.

Mr. PERKINS. I ask that the Senate amendment be non-concurred in, and that the conference asked for be agreed to.

The SPEAKER. Is the reading of the Senate amendment required?

Mr. HOLMAN. What is the title of the bill?

The title of the bill was again reported.

Mr. McMILLIN. I think the amendment ought to be read, so that we may know upon what we are acting.

Mr. RANDALL. If it is to be read it will take a long time, and I will have to object. I have agreed with the friends of the Oklahoma bill not to allow any delay.

The SPEAKER. The Chair will withhold the bill.

Mr. McMILLIN. I have no objection to that.

MRS. E. S. HORTON.

The SPEAKER also laid before the House the bill (H. R. 8) restoring Mrs. R. S. Horton upon the pension-rolls, with Senate amendments; which was referred to the Committee on Invalid Pensions.

ELIJAH W. PENNY.

The SPEAKER also laid before the House the bill (H. R. 2261) to increase the pension of Elijah W. Penny, with Senate amendment; which was referred to the Committee on Invalid Pensions.

DIVISION OF JUDICIAL DISTRICTS IN GEORGIA.

The SPEAKER also laid before the House the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes.

The SPEAKER. The Chair will withhold that bill. There is a request here from the Senate, which the Clerk will read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, January 28, 1889.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes.

The SPEAKER. If there be no objection, the Clerk will be directed to return the bill in accordance with the request of the Senate.

There was no objection, and it was so ordered.

DISTRICT COURT OF NORTHERN DISTRICT OF GEORGIA.

The SPEAKER also laid before the House the bill (S. 3786) to change the date for the commencement of the March term of the district court of the northern district of Georgia; which was referred to the Committee on the Judiciary.

BRIDGE ACROSS MISSOURI RIVER NEAR KANSAS CITY, MO.

The SPEAKER also laid before the House the bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.

Mr. WARNER. Mr. Speaker, I ask that the bill, the title of which has just been read, be permitted to lie on the Speaker's table for the present.

The SPEAKER. If there be no objection, that will be done.

There was no objection.

BRIDGE ACROSS MISSISSIPPI RIVER AT LA CROSSE, WIS.

The SPEAKER also laid before the House the bill (S. 3734) authorizing the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.

Mr. THOMAS, of Wisconsin. I ask that this bill be considered at this time.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] objects to the consideration of any bill; but the Chair will withhold this bill for the present on the Speaker's table, if there is no objection.

There was no objection.

PROTESTANT EPISCOPAL THEOLOGICAL SEMINARY, ETC., VIRGINIA.

The SPEAKER also laid before the House the bill (S. 515) for the relief of the trustees of the Protestant Episcopal Theological Seminary and High School, in Virginia.

Mr. LEE. I ask that that bill remain on the Speaker's table for the present.

There was no objection.

MEDALS TO FORLORN HOPE STORMING PARTY OF PORT HUDSON.

The SPEAKER also laid before the House the bill (S. 1140) authorizing the Secretary of War to procure and present suitable medals to the survivors of the "forlorn hope storming party," of Port Hudson; which was referred to the Committee on Military Affairs.

CONVEYANCE OF ABSENTEE SHAWNEE INDIAN LANDS.

The SPEAKER also laid before the House the bill (S. 2407) authorizing the conveyance of certain Absentee Shawnee Indian lands in Kansas; which was referred to the Committee on Indian Affairs.

JAMES R. BEARD.

The SPEAKER also laid before the House the bill (S. 2441) refunding certain internal-revenue taxes collected off James R. Beard, late auditor of the State of Arkansas.

Mr. PEEL. I ask that the bill lie on the table. I will not ask to take it up now.

There was no objection.

PENSION BILLS REFERRED.

The SPEAKER also laid before the House bills of the following titles; which were severally read twice, and referred to the Committee on Invalid Pensions:

- A bill (S. 2758) granting a pension to Susan P. Murdock;
- A bill (S. 3515) granting a pension to Lottie R. Hunter;
- A bill (S. 3611) granting a pension to Annie W. Smith;
- A bill (S. 3617) granting a pension to J. W. Boyd;
- A bill (S. 3618) granting a pension to Meryah Watts;
- A bill (S. 3604) granting a pension to Sarah J. Alexander;
- A bill (S. 3642) granting a pension to Jonas Lehman;
- A bill (S. 3713) granting an increase of pension to Maria A. Rousseau;
- A bill (S. 3819) granting a pension to Esther Gould;
- A bill (S. 3724) granting a pension to the widow of the late Commander Samuel H. Baker, United States Navy; and
- A bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson.

INAUGURATION CEREMONIES, 1889.

The SPEAKER also laid before the House a bill (S. 3869) to secure the maintenance of public order during the inauguration ceremonies of 1889, and for other purposes; which was referred to the Committee on the District of Columbia.

ARMY NURSES.

The SPEAKER also laid before the House a bill (S. 373) for the relief of women enrolled as army nurses; which was referred to the Committee on Invalid Pensions.

SURGEON-GENERAL MARINE-HOSPITAL SERVICE.

The SPEAKER also laid before the House a joint resolution (S. R. 124) relating to the salary of the Supervising Surgeon-General of the Marine-Hospital Service; which, on motion of Mr. WHITE, of New York, was referred to the Committee on Commerce.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

- A bill (H. R. 11683) for the establishment of light-ships with fog-signals at Sandy Hook, New York Harbor, and off Great Round Shoal, seacoast of Massachusetts, near Nantucket;
- A bill (S. 2765) granting a pension to Adaline A. Smith;
- A bill (S. 332) granting a pension to Harrison Wagner; and
- A bill (H. R. 538) granting a pension to James Miller.

LEAVE OF ABSENCE.

Mr. WILBER, by unanimous consent, obtained leave of absence, on account of sickness.

Mr. HUTTON, on motion of Mr. DOCKERY, by unanimous consent, obtained leave of absence for to-day, on account of sickness.

CHANGE OF REFERENCE.

On motion of Mr. DIBBLE, by unanimous consent, the Committee on Public Buildings and Grounds was discharged from the further consideration of the resolution (Miscellaneous Document No. 79) in relation to the awarding of a contract for the erection of a public building known as the appraiser's warehouse in the city of Chicago, and it was referred to the Committee on Expenditures on Public Buildings.

PROTEST AGAINST THE ADMISSION OF UTAH.

Mr. BURROWS. I ask unanimous consent to have printed in the RECORD a brief protest, signed by 13,000 citizens of Utah, protesting against the admission of that Territory as a State, with the letter accompanying the same.

Mr. DOCKERY. The protest without the names?
Mr. BURROWS. Without the names.
There was no objection, and it was so ordered.
The letter and protest are as follows:

To the honorable the Congress of the United States:

The Liberal Territorial committee of Utah, representing Democrats and Republicans, respectfully present the protest of citizens of the Territory against the proposal to admit Utah as a State. We are the servants of about 55,000 gentiles, composing the entire gentile population, and this large body of citizens unanimously oppose the scheme which is being so vigorously pushed by the Mormon Church.

Our constituents are an industrious, loyal, and law-abiding people. They are faithful to the laws and traditions of their country. They are equal in intelligence, courage, and energy to those of any community. They have made their homes here, invested their money here, and are fully informed as to the conditions which surround us. Although they are in a minority they have a right to be heard, and the fact that they are unanimous in opposition to the admission of Utah is an unanswerable argument against the proposition. Although they compose but one-fourth of the population of the Territory they pay nearly one-half the taxes. They have opened large and valuable mines and have produced therefrom over \$108,000,000. Quite half this sum has been paid to Mormons for labor and supplies. The gentiles have churches of the value of a half million dollars. They support one hundred schools independent of the Territorial school system. They have established hospitals and libraries and enterprising newspapers. They have built magnificent business blocks, and during the past year have expended in building and improvements in Salt Lake City alone upwards of \$1,000,000. These people are not mere adventurers; they are not "carpet-baggers." They are American citizens who pay their own way and who bear aloft the banner of progress.

They oppose the admission of Utah as a State because it would be under the tyrannical domination and control of a secret organization commonly called the Mormon Church, with its twenty-eight thousand office-holders.

Because polygamy, which is an essential of the creed of the church, would be perpetuated, and the laws against the crime could not be enforced.

Because it would place the common schools under ecclesiastical control, wherein the book of "Doctrines and Covenants," which teaches polygamy, would be a text-book, as it is now in the Mormon schools.

Because it would retard progress, depreciate values, and drive from the Territory the men and women who are fast making it fit to enter the Union of States.

Because the whole scheme has been engineered by the Mormon priesthood, in order that they might intrench themselves behind the barriers of State rights.

Because it would be a crime against American institutions to clothe a Territory which is un-American in all its tendencies with the powers of a State, and where the iron will of one man dictates what the laws shall be, and who shall make and enforce them.

The statement that has been made upon the floor of Congress that polygamy is dead is false. It is taught and practiced throughout Utah, and if Utah becomes a State, the polygamous practices will be openly and brazenly flaunted in the face of the world, and the American people will be asked, "What are you going to do about it?"

We respectfully submit herewith protests signed by about thirteen thousand people.

O. W. POWERS, Chairman,
C. E. ALLEN, Secretary,
Liberal Territorial Committee for Utah.

SALT LAKE CITY, UTAH, January 3, 1889.

NO STATEHOOD FOR UTAH.

The gentiles of Utah, although they represent a minority of the people of the Territory, are loyal to the institutions, laws, and traditions of their country, and believe that they have a right to be heard upon the question whether Utah shall become a State, polygamy perpetuated, and a Commonwealth surrendered to a priesthood. Polygamy is not dead. The reasonable features of Mormonism have not been eliminated, and to give Utah statehood would be a crime.

A COMMON PERIL UNITES US,
and therefore without dissenting voice the gentile Republicans and Democrats of Utah protest against the admission of Utah as a State.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. RANDALL. I move to dispense with the call of committees. I will state that if that motion be agreed to, I shall ask leave for gentlemen who desire to present reports to file them with the Clerk.

Mr. TAULBEE. Pending that, I ask unanimous consent that members desiring to present reports may have leave to file them with the Clerk.

Mr. BLOUNT. I desire to propound an inquiry to the Chair. I have a report to make from the Committee on the Post-Office and Post-Roads upon House bill 12109, relating to the railway mail service. The gentleman from New York [Mr. WHITE] wishes to submit the views of a minority of the committee. I desire to know whether, if this request for unanimous consent be granted, those minority views can be filed.

The SPEAKER. This proposition would not cover the presentation of the views of a minority, unless the House should give special permission for that purpose. If there be no objection, leave will be granted to the minority of the Committee on the Post-Office and Post-Roads to present their views in writing on the bill referred to and have them printed with the report of the majority. The Chair hears no objection. The gentleman will send his report to the desk. Is there objection to the request that if the morning hour for the presentation of reports be dispensed with members be permitted to file their reports at the desk? The Chair hears no objection. The question is now on the motion to dispense with the morning hour.

The motion was agreed to.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

LIGHT AND FOG-SIGNAL, ETC.

Mr. CLARDY, from the Committee on Commerce, reported as a sub-

stitute for bill H. R. 1226, a bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

STEAM-TENDER FOR GREAT LAKES.

Mr. CLARDY also, from the Committee on Commerce, reported as a substitute for bills H. R. 12114 and 12119, a bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INSPECTION OF STEAM-VESSELS.

Mr. CLARDY also, from the Committee on Commerce, reported back with amendment the bill (S. 447) to amend the laws relating to inspection of steam-vessels; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHTS ON CONEY ISLAND.

Mr. BRYCE, from the Committee on Commerce, reported back favorably the bill (H. R. 11527) to establish lights on the western end of Coney Island, New York; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PAY OF ENSIGNS, UNITED STATES NAVY.

Mr. HERBERT, from the Committee on Naval Affairs, reported back favorably the bill (S. 881) to regulate the pay of ensigns of the United States Navy; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MAURICE G. GRIFFITH.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back favorably the bill (H. R. 2038) for the relief of Maurice G. Griffith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. PERKINS, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 12314) to grant a right of way to the Cherokee Central Railway Company through the Indian Territory, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL CEMETERY ROAD, DOVER, TENN.

Mr. MAISH, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 11694) to construct a road to the national cemetery at Dover, Tenn.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHICAGO, KANSAS AND WESTERN RAILWAY.

Mr. MAISH also, from the Committee on Military Affairs, reported back favorably the bill (S. 1903) granting the right of way through the Fort Riley military reservation, Kansas, to the Chicago, Kansas and Western Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VENEZUELA STEAM TRANSPORTATION COMPANY.

Mr. COTHRAN, from the Committee on Foreign Affairs, reported as a substitute for H. Res. 175, a joint resolution (H. Res. 259) for the relief of the Venezuela Steam Transportation Company; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ST. CATHARINE ISLAND, GEORGIA.

Mr. CRISP, from the Committee on Commerce, reported back with amendment the bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

OMAHA, DODGE CITY AND SOUTHERN RAILWAY COMPANY.

Mr. MAISH, from the Committee on Military Affairs, reported back favorably the bill (H. R. 11698) to authorize the Omaha, Dodge City and Southern Railway Company to build its road across the Fort Hays military reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMOA.

Mr. MORROW introduced a joint resolution (H. Res. 260) relating to the government of Samoa; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. DOCKERY in the chair), and resumed the consideration of the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The CHAIRMAN. The Clerk will read the clause of this bill which was last under consideration.

The Clerk read as follows:

BUILDING FOR THE LIBRARY OF CONGRESS.

For the building for the Library of Congress, as authorized by the sundry civil appropriation act approved October 2, 1888, and for each and every purpose connected therewith, \$500,000: *Provided*, That contracts may be entered into for all the stone required for the exterior walls of said building, to be paid for as appropriations may from time to time be made by law.

Mr. REED. Mr. Chairman, in making a point of order with reference to this paragraph, I will state that I do so for the purpose of obtaining a ruling from the Chair upon a question which I think is of some importance. The provision of the law of October 2, 1888, was introduced into the sundry civil bill in defiance of the rules of the House, though it seems to have been consented to by the House itself. In that law, at the end of the paragraph relating to this subject, there is a provision that the cost of the building shall be limited to \$4,000,000, in addition to what has already been appropriated. We have a letter from the Chief of Engineers, in whose charge this matter was placed, dated December 1, 1888, and addressed to the Speaker of the House. He makes an estimate of a building which will cost \$4,000,000, the plan of which is to be subject to the approval of certain officials of the Government. This estimate is a very close one, as the Chair will see by looking at page 4 of this letter, for it leaves a margin of only \$200. Hence it is to be taken as a whole; and accordingly the Chief of Engineers states:

The estimate of cost is based, among other things, upon the assumption, of course, that the work is to be prosecuted vigorously and steadily on a large scale, so as to secure all the advantages and economy of large contracts and a minimum of contingent cost.

This estimate, then, is based upon a sufficient appropriation from year to year to enable him to work to the greatest advantage. Now, he himself makes an estimate of the amount which is needed in order to come within his estimate; which amount is \$1,000,000. The committee have seen fit to report an appropriation of only \$500,000, which everybody can see will not bring it within that limit. Now, if the Chair decides that it is absolutely essential that this should come within the limit, to the apprehension of the Chair, then my point of order is good; but if the Chair should decide that the question whether this comes within the limit as mentioned by the Chief of Engineers, or rather, to speak more exactly, as comprehended in the terms of the law, is a matter which rests within the judgment of the Committee of the Whole, then of course my point of order is not good.

Mr. RANDALL. The gentleman has not stated his point of order distinctly. What is the point? Is it against the entire paragraph?

The CHAIRMAN. The Chair was about to make the inquiry whether the point of order was directed against the entire paragraph.

Mr. REED. My first point of order is against the first part of the paragraph down to the proviso. I will deal with the other afterward.

Mr. RANDALL. I have only to say that I do not think the point of order made by the gentleman is valid. This appropriation of \$500,000 is in accordance with law; and the law to which it conforms is referred to. If the gentleman objects to the language, "as authorized by the sundry appropriation act approved October 2, 1888"——

Mr. REED. The gentleman will permit me to call his attention to a sentence which I accidentally omitted to read in this letter of the Chief of Engineers:

There should be no interruption or delay for lack of seasonable and sufficient appropriation; otherwise the cost may be increased.

That is my point.

Mr. RANDALL. That is a matter for the judgment of Congress—not for the Chair.

The CHAIRMAN. In the opinion of the Chair the question whether this amount comes within the limit of \$4,000,000 should be left to the judgment of the Committee of the Whole; therefore the Chair does not feel at liberty to rule out the provision.

Mr. REED. Then the Chair holds that this is left to the Committee of the Whole. I desire, in view of that decision, to offer an amendment——

Mr. RANDALL. I understand the gentleman wishes to offer an amendment——

Mr. REED. Yes; the Chair has ruled upon the point of order.

The CHAIRMAN. The gentleman from Maine offers the amendment which will be read.

Mr. RANDALL. I want to understand this matter. We are now entering on the consideration of the paragraph. Are all the points of order disposed of?

Mr. REED. Down to the proviso.

The CHAIRMAN. The Chair understands that the gentleman from Maine has reserved a point of order upon the proviso.

Mr. RANDALL. I submit that we can not take a paragraph in this way, piecemeal.

Mr. REED. We certainly can take the paragraph down to the proviso.

Mr. RANDALL. The paragraph must be taken as a whole.

Mr. REED. I desire to amend it.

Mr. RANDALL. It will be open to amendment when the questions of order are disposed of.

The CHAIRMAN. The Chair is of opinion that the points of order should be decided before the consideration of amendments to the paragraph is entered upon.

Mr. RANDALL. I am perfectly willing that the House may settle the amount——

Mr. REED. I desire, however, to offer a particular amendment.

Mr. RANDALL. Before that I wish to have the point of order definitely settled. I am opposed to entering upon amendments until that is settled in the proper order.

The CHAIRMAN. The Chair is ready to rule on the proviso if the point of order is made against it.

Mr. REED. I would rather reserve the point of order for the present, for I might prefer that the proviso should remain in under certain circumstances.

Mr. RANDALL. Just there let me say that the whole paragraph as printed was prepared by the Chief of Engineers, in charge of the matter, and I have it here in his own handwriting.

Mr. REED. As to the amount?

Mr. RANDALL. Let me correct myself, however; I should have said that the whole proviso was in his handwriting. That the paragraph as reported meets his approval.

Mr. RYAN. I will say to my friend from Maine that General Casey, in charge of this building, says that with this proviso in he only requires the amount named in the bill.

Mr. REED. Very well; then I have no point about the proviso, and now offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "Congress," in line 8, down to and including the word "eight," in line 10, and insert the words "according to plans described by the Chief of Engineers on page 6 of his letter of December 1, 1888, to the Speaker of the House, as printed in Miscellaneous Document No. 12, when approved according to law."

Mr. HOLMAN. That is subject to the point of order.

Mr. REED. How?

Mr. McMILLIN. I reserve the point of order against it.

Mr. RANDALL. Let me ask the gentleman from Maine whether that proposes to complete this building under the schedule or plan marked "D?"

Mr. REED. That is it.

Mr. HOLMAN. I make the point of order against it.

Mr. REED. What is the point of order?

Mr. HOLMAN. That it is new legislation.

Mr. REED. But the chairman of the Committee on Appropriations does not make any point of order.

Mr. HOLMAN. But I make the point of order.

Mr. REED. On what ground?

Mr. HOLMAN. On the ground I have just stated.

Mr. RANDALL. I did not make the point of order, but I suppose the point of order suggested rests upon this ground, that the act of October 2——

Mr. REED. There is no point of order against that.

Mr. RANDALL. I will state the position exactly. The act of October 2 proposed that the building should be erected for four millions of money, and delegated the whole power, in connection with the care of its construction, to the Chief of Engineers of the Army. It was further provided that his plans for the \$4,000,000 building should be subject to the approval of the Secretary of War and the Secretary of the Interior. The actual facts, then, are these, that the officer in charge of the building has made a new report or statement, based upon schedule or plan A, which provides for a \$4,000,000 building, and the two officers who are to approve his plans have not yet acted, the consequence of which is that no building has been entered upon since the transfer of the control of the work from the commission to the Chief of Engineers.

Mr. REED. Now, I would like to ask whether there is any further point of order, as I would like to answer them *seriatim*.

Mr. HOLMAN. The only point of order I make is that the amendment changes existing law and is new legislation.

Mr. REED. Will the gentleman kindly point out where the new legislation is, and wherein it changes existing law?

Mr. HOLMAN. Why, the entire proposition contained in the gentleman's amendment is new legislation.

Mr. REED. Where?

Mr. HOLMAN. It is entirely new; the whole provision is new. It is directly in conflict with the proviso of the paragraph.

Mr. REED. Then you rest your point of order on the ground that this is liable to cost more?

Mr. HOLMAN. I rest it on the ground that the proposition is new legislation.

Mr. REED. Well, will the gentleman kindly point out in what respect?

Mr. HOLMAN. I say that it is new legislation.

Mr. REED. But in what respect?

Mr. HOLMAN. In respect that it is new legislation. [Laughter.]

Mr. REED. Ah!

Mr. HOLMAN. Entirely new legislation.

Mr. REED. That is the way that the gentleman from Indiana does sometimes when he does not desire to deploy his full force, and his argument becomes less definite the further he goes. Now, if there is nothing further I should like to present my views, and I ask the attention of the House, because I think the whole matter is one of very grave importance. The Chair, it must be borne in mind, with the approbation of the gentleman from Pennsylvania, has already decided that the question is one of facts which is within the discretion of the committee, and to be decided by them and not by the Chair. Hence there can be no possibility by anything in the proposition of the gentleman from Indiana so far as he has undertaken to specify. In fact it appears he felt it necessary to withdraw the specifications. In that condition of affairs—

The CHAIRMAN. The Chair will call the attention of the gentleman from Maine to the fact that the amendment must come within the limit fixed by the law.

Mr. REED. But the Chair decided very promptly and very properly that the question of whether it was limited was a question of fact that belonged to the committee and not to the Chair; and to that decision I hope the Chair will adhere, because it will lead to righteousness and justice.

Mr. CANNON. If the gentleman from Maine will permit me, I can perhaps show that the point of order was well taken, that the law of last October or last session limited us to four millions for the construction. Now, then, the amendment, as I understand it, adopts a plan of six millions, and therefore is in conflict with existing law.

Mr. REED. I am arguing on the merits of the decision of the Chair.

Mr. CANNON. If the gentleman's amendment was adopted—

Mr. REED. Probably; but if the gentleman will wait until I make my point—

Mr. CANNON. I will wait with great pleasure. I always listen to the gentleman with pleasure.

Mr. REED. Now, Mr. Chairman, this is a point of grave importance to the people and to the Treasury of the United States. The Chief of Engineers, under the authority given by law and recognized as an authority in this House and out of it, has seen fit under the law of 1886 to make a report.

He has made that report, of course, in accordance with law, and he has provided two plans. Of course he would not have provided a second plan unless in his apprehension it was one which he was called upon to prepare, and the House will see under that state of facts why it was that he was obliged, as a faithful officer of the Government, to make the second set of plans.

The first set of plans, which are called plans "A," are made for a library under certain restrictions and calculations made by the Chief of Engineers, so definitely that if we adopt the plan and build that building, then at the present increase annually that building will be filled with books from roof to basement in fifty-four years. Inasmuch as we shall naturally accelerate that increase, the probabilities are that in forty-five years from the time that building is finished it will be filled from basement to ceiling with books, and it will have ceased to be an increasing national library such as an increasing nation wants and demands. Therefore the Chief of Engineers, under authority which is presumed to be within the scope of the law, has provided a second series of plans which seem to bear in mind what some gentlemen never have in mind, and that is the growth of this country.

Now, that second series of plans provides that by an increase of expenditures amounting to about \$2,000,000, the capacity of the Library will not merely be doubled but will be trebled, so that by an increase of 50 per cent. in expenditure we shall have an increase of 300 per cent. in book-holding capacity. Therefore there can be no question that a lively sense of what was due to the Treasury of the United States, and what was due to the United States itself, actuated the Chief of Engineers in the presentation of this second plan.

Now, then, if the Chair, by following its last decision, can enable us to reach that matter, I have no doubt that the good sense of the House will dispose of it satisfactorily, not only in the interests of the country, which is of the greatest importance, but also in the interest of the Treasury, which is of some importance. This amendment which I present has been very carefully drawn.

The CHAIRMAN. The time of the gentleman has expired. [After a pause.] The Chair begs pardon of the gentleman, as for the moment he overlooked the fact that a point of order was under discussion.

Mr. REED. I was addressing myself to the point of order. It was necessary to make this preliminary statement of facts in order that the Chair might apprehend the exact situation of affairs.

Now, the amendment has been drawn in reference to the provision of the statute of 1888, no section of which has escaped my attention, and the point which I make is this: That there has not been an approval by the proper authorities up to date, and consequently the new plan is left for decision by the proper authorities; and consequently I am violating no law when I propose that this building shall be made according to the second plan, when approved by the proper authorities according to law.

I, therefore, cover all this matter, and as the gentleman from Illinois will show from the argument of the gentleman from Indiana, at the time the act of October 2, 1888, was discussed, that I am entirely within the statute. I will refrain from making a quotation which I think he will make.

The only point, therefore, which remains is the question whether this is within the limit of \$4,000,000. I expected that that would be a question as to the merits to be determined by the House. But even if the Chief of Engineers thinks this plan will cost \$6,000,000—and that will be brought out, and very properly brought out—it will be within the discretion of the House to pass upon that question. The Chair has already decided that it is a matter in the cognizance of the Committee of the Whole, and that has received the high approval of the chairman of the Committee on Ways and Means. Therefore, I apprehend that the only point about which there seemed to be any difficulty has been cleared up by the wise and discriminating decision already made by the Chair.

Mr. HOLMAN. The provisions of the law of last year have not been read. Perhaps the attention of the Chair has not been called to it, and I will ask the Clerk to read the proviso at the top of page 524.

The Clerk read as follows:

Provided, That before any further contracts are let for the construction of said building general plans for the entire construction thereof shall be prepared by or under the direction of the Chief of Engineers of the Army, which plan shall be subject to the inspection and approval of the Secretary of War and the Secretary of the Interior: *And provided further*, That the total cost of said buildings shall not exceed \$4,000,000, exclusive of appropriations heretofore made.

Mr. HOLMAN. I wish to but add that the question of the limitation on the cost of this building does not necessarily enter into the question of order. The law prescribes what shall be done, that the plan shall be prepared by the Chief of Engineers subject to the approval of the Secretary of War and Secretary of the Interior, and that is the provision that is especially assailed by the amendment submitted. That amendment proposes a different mode; that is to say, it proposes that the particular plan referred to, when approved by the Secretary of War and the Secretary of the Interior, shall be the plan on which this building shall be constructed. It is therefore a clear and palpable change of existing law.

Mr. ADAMS. Mr. Chairman, the gentleman from Indiana [Mr. HOLMAN] when called on to specify what his point of order was declared that it was that the amendment of the gentleman from Maine [Mr. REED] was new legislation, and when he was called upon to specify wherein it was new legislation he said that it was new legislation in respect of its being new legislation. The gentleman from Indiana, who is an experienced member of this House and familiar with its rules, ought never to have confined himself to that phrase. He ought to have cited, as I propose to cite, the words of the rules of this House. There has been much confusion in the last two Congresses under Rule XXI, clause 3, simply because gentlemen have not seen fit to recite the exact words of the rule, and I now ask the attention of the Chair to clause 3 of that rule:

The Chair is aware that that clause has several objects. One of those objects is to provide against appropriations for purposes for which in the judgment of the House, as expressed by the rules, appropriations ought not to be made in general appropriation bills. The other, and an entirely different object, is to prevent the insertion of general statutes in appropriation bills. If the amendment of the gentleman from Maine is not in order, it is because it changes existing law, or because it is an appropriation for a purpose or object which the rules do not permit to be provided for in general appropriation bills. I believe it is not subject to either objection. It does not change any existing law. If the gentlemen say it does, they ought to point out what the law will be without this amendment, and what it will be with the amendment, so as to point out that a change will be made in the statutes of the United States if the amendment is adopted. I challenge them to do so. I submit that they can not do it. They can not show that any statute will be changed by the mere adoption of the amendment and its enactment into law. Accordingly if the proposed amendment of the gentleman from Maine, which is an appropriation and not a statute, is not in order under the rules, it is because it violates the following words of clause 3, of Rule XXI:

No appropriation shall be in order, etc., for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress.

Now, my purpose is to quote from the eminent authority of the gentleman from Indiana [Mr. HOLMAN] himself to show that notwithstanding the legislation which has been had on this subject within the last two years, an appropriation for that Library building, like the appropriation proposed by the gentleman from Maine, is an appropri-

tion which is in order under the rules. The Chair will perhaps remember that the provision for a Congressional Library which passed this House was not the provision originally reported from the committee. It was an amendment proposed by the gentleman from Kansas [Mr. RYAN]. The committee originally proposed that we should go on with this building according to the plans of 1886. The provision of the gentleman from Kansas was—and I think the Chair will see that I have a logical purpose in calling attention to the exact terms of that amendment—the provision proposed by the gentleman from Kansas, which was known as the House amendment, was, in substance, that the Committees on Public Buildings and Grounds of the Senate and of the House, acting conjointly, should invite proposals from eminent architects and should report progress to Congress before December, 1888. It provided that the work then in progress should be suspended, and that the property already purchased should be turned over to the Interior Department.

That, in substance, was the provision which passed the House. The Senate inserted a different proposition, and the bill came back to the House with those two propositions pending. It came up on a question whether we should agree to a conference report. I had some apprehension at the time whether, if that conference report was agreed to, the state of things would arise which the gentleman from Indiana [Mr. HOLMAN] now claims has arisen. On that occasion I said:

If the committee should present the appropriation for the new Library building it would not have the privilege of an appropriation committee, and therefore it would not be in order on a general appropriation bill.

My apprehension was that if that legislation took place, then an amendment like the amendment of the gentleman from Maine [Mr. REED] would not be in order, because it would not be an appropriation for a public work or object already in progress. I said further:

While I do not object to the proper way of erecting the building, yet I regret to see the House take such action in reference to the new Library building, so much desired, as to put us back exactly where we were before the Library building law was passed; for every one admits something should be done.

Now, Mr. Chairman, on that occasion I was reassured by the gentleman from Indiana [Mr. HOLMAN], and I ask the particular attention of the Chair to the language which that gentleman then used.

Mr. HOLMAN. I think the gentleman from Illinois [Mr. ADAMS] labors under a mistake. The amendment of the House does not provide that the law providing for the building of the new Library building shall be repealed, but merely provides for doing away with the commission provided in that law. The law in all other respects will remain in force and the property will be turned over to the Department of the Interior for the time being. If the building is ultimately constructed the indications are that Congress will place it under that accomplished gentleman, General Casey.

This gives me occasion, Mr. Chairman, to consider what part of the law of 1886 has been repealed. The law still stands in force authorizing the construction of a Library building; the law still stands in force authorizing it to be constructed on this particular place where we propose to erect it. The law has provided for the condemnation of the ground; and the only change made is a change in the administrative machinery by which the building shall be erected.

Now, Mr. Chairman, if that amendment of the gentleman from Kansas [Mr. RYAN], which was the House amendment, and which provided for an utter suspension of work upon the building and for a commission of inquiry to take the views of eminent architects—if that amendment did not prevent this from being, in the words of the rule, "a public work or object previously authorized by law," then no legislation that has been had since that time can possibly have that effect; and I have the eminent authority of the gentleman from Indiana [Mr. HOLMAN] himself, that even that amendment could not have had that effect. If the gentleman from Indiana, instead of indulging in that much abused and vague phrase "new legislation" had recited the words of the rule, and pointed out wherein this is not an appropriation for a public work or object previously authorized by law, he would have done what an experienced member like himself ought to have done, though I think he would have done it without much effect.

Again I ask the Chair to distinguish between that part of clause 3 of Rule XXI which prevents the insertion of general legislation in appropriation bills and the other and only pertinent phrase of that clause of the rule which limits the objects of appropriation. If the amendment of the gentleman from Maine is for a public work or object previously authorized by law and now in progress, then it is in order under the rules of the House; and that it is for such a work and object I have the authority of the gentleman from Indiana [Mr. HOLMAN].

As to the question of cost, Mr. Chairman, I do not admit that the effect of adopting this amendment would necessarily be the erection of a \$6,000,000 building instead of a \$4,000,000 building. The letter of the Chief of Engineers (General Casey) speaks of a more elaborate style of ornamenting the interior of this so-called \$6,000,000 building. If we were to take out that interior decoration, it may be that the cost would be reduced even to \$4,000,000; and upon the fairest possible statement of the comparison between these two plans, the difference can not be at the outside more than \$1,000,000. Therefore if the question of cost or probable cost is to enter into the decision of a point of order, I still ask the Chair on this consideration as well as the others I have submitted to sustain the point of order.

Mr. RANDALL. The point presented by the gentleman from Illinois [Mr. ADAMS] in support of the admission of this amendment, that the words of the rule make a distinction in regard to public buildings in course of erection, would seem to present a new aspect of the question; but in fact such is not the case. The gentleman does not state the whole effect of that rule. Its effect as regards public improvements is subject at all times, as has been held over and over again, to the limitations prescribed by law. For instance, the law may authorize the erection of a public building the cost of which is not to exceed a million and a half of dollars. Now, it has been held that in such a case the Committee on Appropriations may recommend and the House pass appropriations up to a million and a half of dollars, but that we can not on an appropriation bill go beyond the limit prescribed by law without subjecting the provision to a point of order if it be made.

Mr. ADAMS. We do not propose to go beyond the prescribed limit.

Mr. RANDALL. I only wanted to answer that branch of the argument as presented by the gentleman from Illinois.

Mr. McMILLIN. Mr. Chairman, I shall not go into a discussion of the merits of the Library building.

Mr. REED. I would not.

Mr. McMILLIN. I will heed the admonition of the gentleman from Maine [Mr. REED] instead of following his example on this point.

The law under which the Library building is proceeding has this proviso:

Provided, That before any further contracts are let for the construction of said building, general plans for the entire construction thereof shall be prepared by or under the direction of the Chief of Engineers of the Army, which plans shall be subject to the inspection and approval of the Secretary of War and the Secretary of the Interior—

Mr. REED. My amendment embraces the language "when approved according to law."

Mr. McMILLIN (reading):

And provided further, That the total cost of said building—

Here is where the gentleman varies from the law—

That the total cost of said building shall not exceed \$4,000,000, exclusive of appropriations heretofore made.

Here is a limitation similar to that placed on the construction of other public buildings; and as has been properly stated by the gentleman from Pennsylvania, you may within that limit at all times make an appropriation on an appropriation bill, and the provision is not subject to a point of order. But when you propose to go beyond that limit—

Mr. REED. But I do not propose to go beyond it.

Mr. McMILLIN. But when you propose to go beyond the limit you do make yourself obnoxious to the point of order. What is the proposition of the gentleman from Maine? He comes in and provides—if the Chair will kindly send me the amendment I will use the words of the gentleman from Maine in his amendment. The gentleman from Maine [Mr. REED] now proposes to put on the statute-book an appropriation according to the plan described by the Chief of Engineers on page 6 of his letter of December 8, 1889, to the Speaker of the House, as printed in Miscellaneous Document No. 12, when approved according to law.

Mr. REED. When approved according to law.

Mr. McMILLIN. But according to the present law that can not be approved, because it provides for a building of \$6,000,000. It is an argument that is conclusive that the plan the gentleman proposes itself would not be in order to be adopted by the House, as it proposes an expenditure of \$6,000,000, when the limit of existing law is only \$4,000,000. The existing law provides the building shall cost only \$4,000,000, and the gentleman from Maine will not insist the plan on page 6 can be carried out for \$4,000,000. In fact, he argued it could not be, and went into the merits of this controversy, arguing the four-million building would be full of books within a short period after the building was completed.

Now, Mr. Chairman, I want to ask, where is there a statute existing which confines this building to the plan on page 6 which did not exist when the limitation of \$4,000,000 was made? Whenever the gentleman proposes to adopt a certain plan which has not yet been approved by the officers—

Mr. REED. I say when approved.

Mr. McMILLIN. But the gentleman's plan can not be approved.

Mr. REED. If it can not, then this legislation is not effective.

Mr. McMILLIN. It is an attempt to violate the existing law.

Mr. REED. Oh, it is only an attempt, then?

Mr. McMILLIN. Where is there a law, where is there a plan, where is there a statute which fixes this to any particular plan? When gentlemen on an appropriation bill propose to fix it on a particular plan not approved by officers, and whether approved or not goes beyond the limit fixed by the law, it violates existing law.

Mr. REED. I propose to fix it according to that plan when approved.

Mr. McMILLIN. It is not the plan the gentleman approves.

Mr. REED. In the opinion of the Chief of Engineers it does, but whether in the opinion of the committee is another thing.

Mr. McMILLIN. The Chief of Engineers recommends a plan which he says costs \$6,000,000. The House has said the limitation shall be \$4,000,000. Then to tack a plan on an appropriation bill for \$6,000,000 is a violation of existing law, which fixes the limit at \$4,000,000.

Mr. RANDALL. I ask for a decision.

Mr. REED. I ask the House to hear me. I wish to put this point distinctly, and I ask the attention of the Chair. It is a sound proposition I am arguing, and if I can get the Chair to understand the point I wish to make, I have no fear of the result; none at all. I admit if my amendment proposes that we should adopt a plan limiting it to \$6,000,000 instead of \$4,000,000 I would have no right to make that provision in regard to a public building on which existed a limit of the amount of appropriation. That would be within the rule; I concede it for the purpose of this argument only.

But this is not an amendment which touches the question of appropriation at all. It leaves the amount of appropriation precisely where the committee left it. It simply proposes a certain plan, and in order that that plan may not be considered as in conflict with the law, I expressly provide in my amendment that it shall be approved according to law.

Therefore there is no objection on the ground this increases the amount, and there is no objection on the ground it changes the law. If it be a question whether this law ultimately results in a larger expenditure than the law calls for, that is a question of argument to be decided by the committee and not to be decided by the Chair. In other words, if my amendment specifies an amount which is contrary to existing statute, then it would be ruled out; but if my amendment proposes only a line of conduct which may result in increased expenditure, that is a matter for the judgment of the committee. That point, it seems to me, is entirely clear and unanswerable.

Now, the gentleman from Iowa [Mr. KERR] has asked me whether I think this building will cost \$6,000,000 or not under this amendment. I answer that my individual opinion has nothing whatever to do with the question. It is the opinion of the committee which is to govern. Nor has the fact anything to do with it, for that is a matter of argument to be addressed to those who decide questions of fact. The Chair exists on this occasion solely to decide points of law, and the language of the gentleman from Indiana [Mr. HOLMAN] read by the gentleman from Illinois [Mr. ADAMS] with the able argument which he has addressed to the Chair on the subject, must be entirely convincing so far as the parliamentary status of the question is concerned, unless the Chair falls into the error into which the gentleman from Tennessee has been desirous of leading him, namely, that because a man argues that this will exceed the limit fixed by the law, therefore that it is the business of the Chair to interfere. That is a good argument to address to the committee, but I submit it does not follow out any principle of law when addressed to the Chair. It has no relevancy.

But the Chair has already passed upon the question, and has decided that if it be a question of argument whether the amendment would raise the limit or not, it is an argument to be addressed to the committee and not to him; and all I ask now is an adherence by the Chair to the plain principle of parliamentary law which the Chair has already so clearly enunciated, and which the Chair would as readily enunciate to-day and now, if it was not made an effort here on the part of the other side to accomplish something which they ought to be able to accomplish by relying upon the merits of their case, and not by indirection.

Mr. RANDALL. Well, now, that is exactly what you are trying to be guilty of.

Mr. REED. What?

Mr. RANDALL. You are trying by indirection to change the law so as to make this a \$6,000,000 building instead of a \$4,000,000 building. This side is doing what it can to enforce the law.

Mr. REED. I am trying to save the money of the people, and to save money for the country.

Mr. RANDALL. By spending more.

Mr. REED. No; but I am trying to obtain a Library building that will be worthy of the country. I am trying to obtain a Library building that will result in usefulness to the country for a period of one hundred and thirty-four years, and not to waste the money of the people in a building which will shortly be unsuitable. That is what I am trying to do; and if the gentleman from Pennsylvania was so anxious to preserve the integrity of the law why did he introduce the original bill of 1888, which was a violation of existing law and of the rules of the House?

Mr. RANDALL. That was done in conference, if I remember aright.

Mr. REED. No, sir; it was done in the House, and was introduced by the chairman of the same committee, who has been very sedulous, in season and out of season, in insisting upon a strict adherence to the rules of the House.

Mr. RANDALL. My recollection is that it was introduced either in conference or on the floor of the House.

Mr. REED. I think the gentleman will find himself mistaken.

Mr. RANDALL. And the object of it was to save six millions of money, which was likely to be squandered in the erection of this building.

Mr. REED. And now they want to save the country from a Library building which would be suitable for the wants of the country by giving them one which is neither fit nor suitable. It is but a waste of \$4,000,000 putting up a building that in forty-five years' time will be utterly obsolete and useless for the purpose contemplated; and yet they call that "economy!"

Mr. RANDALL. That is not the point. The Committee on Appropriations has inserted the paragraph which is applicable to the construction of this building, whether the plan adopted shall be the four-million or six-million plan. The object of the language used is with a view, if possible, to saving unnecessary expenditure.

Mr. REED. And as to the declaration of the gentleman from Pennsylvania that I am endeavoring to raise the cost of this building, I wish to say to him that if I am engaged in that endeavor, I can only succeed by consent of the House of Representatives of the United States of America, an authority which under our laws has the right to do it.

Mr. RANDALL. Yes, and you have got to do it under the rules of this House.

Mr. REED. That is exactly what I want, and what I will succeed in accomplishing if the Chairman of this Committee of the Whole will rule as he has done heretofore upon the same question.

Mr. RANDALL. The Chair can not but be clear on this subject, because it is so plain that none can misunderstand it.

Mr. REED. I hope so.

Mr. KERR. Mr. Chairman, I think the remarks of the gentleman from Maine on this occasion would have been more proper during the last summer, when we were considering the building of this same Library. They seem to be rather late now.

Mr. REED. The reason why they come a little late is because at the time of which the gentleman speaks I was at home trying to save the country. [Laughter.]

The CHAIRMAN. The amount that might be carried by any plan will not be considered in this decision; but the Chair is compelled to sustain the point of order made by the gentleman from Indiana on the ground that the law now authorizes the Secretary of War and the Secretary of the Interior to approve plans that may be presented by the Chief Engineer of the Army. This amendment is a change of that law and is new legislation in that it provides for the approval of only one plan. Therefore the Chair thinks that is a change of existing law.

Mr. REED. But there was only one plan to be approved.

The CHAIRMAN. That is true. But the law now says: *Provided*, That before any further contracts are let for the construction of said building general plans for the entire construction thereof shall be prepared by and under the direction of the Chief of Engineers of the Army, which plans shall be subject to the approval of the Secretary of War and the Secretary of the Interior.

There is a discretion allowed there to the Chief of Engineers, Secretary of War, and the Secretary of the Interior, which is limited to one plan in the amendment proposed by the gentleman from Maine.

Mr. REED. Will the Chair permit me to suggest that there is a misapprehension here caused by the use of a plural? It simply refers to a set of plans.

The CHAIRMAN. Admit that it is but one plan, the discretion is given the Chief of Engineers, subject to the approval of the Secretary of War and the Secretary of the Interior, to approve any "set of plans," whilst the amendment offered by the gentleman from Maine limits that discretion to the plan specified in a certain report—

Mr. REED. It only limits the appropriation.

The CHAIRMAN. "According to plans described by the Chief of Engineers, on page 6 of his letter of December 1, 1888, to the Speaker, as printed in Miscellaneous Document No. 12, when approved according to law."

Mr. REED. Yes.

The CHAIRMAN. From that it would appear that the approval is limited to one plan; whereas the law as it now exists would permit these officers to select any plan or "set of plans."

Mr. HOLMAN. That is clear.

The CHAIRMAN. The Chair, therefore, feels constrained to sustain the point of order, but would be glad if the gentleman from Maine would take the opinion of the committee.

Mr. REED. I will not do that.

Mr. COMPTON. I offer the following amendment.

The Clerk read as follows:

That the United States marshal for the District of Columbia be, and he is hereby, authorized to pay to each of the jurors summoned in the proceedings in condemnation for a site for a building for the accommodation of the Congressional Library, as provided by the act approved April 15, 1886, \$10 for each and every day of actual attendance, to be received as full compensation for such service, \$2,140.

Mr. RANDALL. I make a point of order that that is a proposition to give to these jurors an increase of compensation over what they are now by law entitled to receive.

The CHAIRMAN. What are they now entitled to receive?

Mr. RANDALL and Mr. McMILLIN. Two dollars.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. COMPTON. Whether the point of order may be well taken or not, I offer this amendment on its merits. It is for the Chair to say whether it is in order.

Mr. RANDALL. Does the gentleman from Maryland want any time to discuss that?

Mr. COMPTON. I do not desire to discuss the point of order.

The CHAIRMAN. The Chair feels constrained to sustain the point of order.

Mr. REED. We are still on the section providing for the Library building?

The CHAIRMAN. Yes.

Mr. REED. I desire to offer an amendment.

Mr. RANDALL. Read.

The CHAIRMAN. The gentleman from Maine desires to offer an amendment.

The Clerk read as follows:

Strike out all after the word "Congress," in line 8, down to and including the word "eight," in line 10, and insert:

"According to plans described by the Chief of Engineers, on page 6 and elsewhere, of his letter of December 1, 1888, to the Speaker of the House, as printed in Miscellaneous Document No. 13, when approved according to law."

Mr. REED. That obviates the objection.

Mr. HOLMAN. It leaves the objection the same as it was.

The CHAIRMAN. The Chair sustains the point of order.

Mr. REED. Then I do not understand the ruling of the Chair, which was that the approving officers were not allowed any discretion. The discretion there granted is the same as that granted under the statute.

Mr. RANDALL. It is a change of existing law.

Mr. REED. That was the point which the Chair made on the subject.

Mr. RANDALL. But the existing statute provides that discretion shall be within four millions.

Mr. REED. That provides the same that the original statute provides.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CRAIN. Mr. Chairman, I desire to offer an amendment to come in at this point, although on another subject. I offer the amendment to come in after the head "Military posts," in line 16.

The CHAIRMAN. That paragraph has not yet been read.

The Clerk read the proposed amendment, as follows:

After the heading "Military posts," in line 16, insert:

"For the construction of additional quarters at Fort McIntosh, Texas, \$50,000."

Mr. RANDALL. There is no estimate for that, and, so far as I know, there is no law authorizing it. I reserve the point of order upon the amendment.

Mr. CRAIN. I desire to call attention to the fact that the assistant adjutant-general of General Stanley, who commands the Department of Texas, has written a letter to certain gentlemen in Laredo, Tex., which I will read:

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, January 14, 1889.

GENTLEMEN: General D. S. Stanley, commanding Department of Texas, desires me to acknowledge the receipt of your petition for the retention of Chaplain G. W. Simpson, United States Army, at Fort McIntosh.

The general greatly regrets that he can not, with due regard to the interests of the military service, favorably consider your request. The scarcity of quarters at Fort McIntosh made it necessary to transfer to other posts not only Chaplain Simpson but two other officers besides.

Very respectfully,

J. P. MARTIN,
Assistant Adjutant-General,
Laredo, Tex.

Rev. C. J. OXLEY, T. A. MOORE, W. W. KILLOUGH, and others,

My attention was called to this by a letter from Mr. Nicholson, a gentleman of Laredo, in which he writes:

LAREDO, TEX., January 17, 1889.

DEAR SIR: Inclosed herewith I hand you a clipping from the columns of this morning's Laredo Times in relation to the retention of Chaplain Simpson at the military post here, and which explains why he can not be retained here, namely, because there are not sufficient quarters. It does seem to me that the Government should do something more for us here than has so far been done, in view of the donation by the city of the military grounds, comprising about 208 acres, and which if surveyed into lots and blocks would to-day be worth at least \$100,000. I know that Mayor Atlee had some correspondence with you last year in regard to the matter of getting an appropriation for the erection of more quarters here but do not know the purport of said correspondence, but presume that you did not meet with success in the matter, and while another trial will possibly meet with a like failure, yet I feel that the matter should not be allowed to rest until we succeed; and I beg to call your attention to the plan suggested by Colonel Barnard when here, namely, to present a bill in Congress making an appropriation of say \$50,000 or \$100,000 for the erection of quarters, etc., and try and get the same passed, and then the Secretary of War would be obliged to expend the sum so appropriated and for the purpose for which it was appropriated.

I understand that the War Department will not only not recommend such a bill, but will oppose it; yet might it not be possible to pass it through over such objections? I do not know, but I wrote to you upon this very subject once before, and trust that you will not deem me over zealous on the subject, and I do not know that you will be able to do anything more than you have already done; neither do I wish you to think that I am under the impression that you have not done all that was possible. I only desire to call your attention again to the subject, and then that you exercise your own judgment thereon. I shall be glad to hear from you at your convenience.

Very respectfully, yours,

J. O. NICHOLSON.

Hon. W. H. CRAIN,
Washington, D. C.

Mr. Chairman, I understand that the gentleman from Pennsylvania [Mr. RANDALL] makes the point of order—

Mr. RANDALL. I only reserved the point of order.

Mr. CRAIN. I understand the gentleman to make the point of order, if he does make it, upon the ground that this expenditure is not contemplated or provided for by existing law. Is that correct?

Mr. RANDALL. I have only reserved the point of order.

Mr. CRAIN. Well, that will necessarily be the point of order.

Mr. RANDALL. I do not know that there is any point of order against the amendment.

Mr. CRAIN. Well, I will simply say to the gentleman that if the point of order lies against this amendment it certainly will lie against the whole paragraph, and I serve notice upon him that if he makes the point of order on this amendment I will make it on the paragraph.

Mr. RANDALL. Never mind "serving notice." Mr. Chairman, the amendment is before the House. This House receives estimates from the Treasury Department, as the law requires, and not from General Stanley or any adjutant-general. In addition to that, we have given \$332,000 under this head, an amount which is thought to be sufficient for these purposes; and I think I may say that the Quartermaster-General coincides in the opinion that it is sufficient for the necessary expenses of the current year. Therefore I hope that the House will not adopt this amendment, but will adhere to the estimate.

Mr. CRAIN. Will the gentleman tell me whether any provision for additional quarters at Fort McIntosh is included in that item?

Mr. RANDALL. I do not think it is. I have never heard of Fort McIntosh before in connection with this subject. But the appropriation is not limited as to its application, and the Secretary of War can expend that \$332,000 at Fort McIntosh if his judgment so directs.

Mr. CRAIN. Yes, but if this amount was made up from reports, the gentleman can tell us whether Fort McIntosh is included.

Mr. RANDALL. The appropriation is based on the estimates, and I have already told the gentleman that Fort McIntosh is not included.

Mr. CRAIN. Then, Mr. Chairman, in view of the facts stated in these communications, in view of the fact which they establish, namely, that a chaplain has had to be sent away from one of the most important posts on the Mexican border, a national gateway, a place where the river is crossed by a bridge and by a railway, an important strategic point, and in view of, further, the fact that Laredo has donated 200 acres of land for this post, which, if cut up into blocks and lots, would be worth \$100,000 to-day, according to the statement of my correspondent, who is a reputable and reliable man—in view of all these facts I ask this committee to enlarge this amount and to adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. CULBERSON. Let the amendment be again read.

The Clerk again read the amendment.

The question being taken on the amendment, it was disagreed to; there being—ayes 22, noes 61.

The Clerk read as follows:

MILITARY POSTS.

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, \$332,000.

Mr. DORSEY. I move to amend by striking out in the paragraph just read, "\$332,000" and inserting "\$382,000." The object of this amendment is to enable the Secretary of War to apportion this additional sum of \$50,000 for the completion of Forts Robinson and Niobrara, Nebraska. These forts are on the flanks of the great Sioux reservation. They are important posts; and it is the policy of the War Department to break up the smaller posts in the surrounding country and concentrate the military forces at these points. These two posts, under the orders of the Secretary of War, are both to be made ten-company posts. There are now quartered at each fort six companies, and the other soldiers stationed there are obliged to take shelter in buildings through which the wind whistles and where they are subjected to the storms of that country. Consequently there is sickness and desertion there.

The Senate has passed a bill appropriating \$100,000 to complete those two posts. The Committee on Military Affairs of the House has reported that bill favorably, and it is on the Calendar. I am willing to abandon that bill if the House will consent to make this appropriation of \$50,000 to be expended under the direction of the Secretary of War.

Mr. RANDALL. Mr. Chairman, this is the same matter over again which we have already disposed of. We have given an amount which, in the judgment of the Quartermaster-General, is sufficient; and to increase it would not effect the very object which the gentleman has in view.

Mr. DORSEY. I will take the chances on that; and the Secretary of War—

Mr. RANDALL. The gentleman may be willing to "take the chances" as to those two points where he wishes money to be expended; but I submit that neither of them is embraced in the estimates.

Mr. DORSEY. But the Senate and a committee of this House have passed upon the question. The estimates on this subject were not received in time. The Secretary of War, as I understand, asks for \$999,000. The Committee on Appropriations have divided this sum

by three, and propose to give one-third of that amount, which is \$60,000 less than was appropriated last year.

Mr. RANDALL. I do not think this paragraph is objected to either as to amount or in any other particular by the Quartermaster-General.

Mr. DORSEY. I ask this committee to give this additional sum of \$50,000 for the completion of those two posts.

Mr. RYAN. I wish to ask my friend from Nebraska [Mr. DORSEY] whether he simply asks an increase in the amount of the appropriation.

Mr. DORSEY. Yes, sir—simply that the amount be increased. Then the Secretary of War can expend it at Forts Robinson and Niobrara, or at Atlanta, Ga., represented by my friend from Georgia [Mr. STEWART]. We are willing to take the chances.

Mr. STEWART, of Georgia. I wish to ask the gentleman from Pennsylvania whether, in the general sum for the construction of army posts, \$75,000 for Atlanta was included.

Mr. RANDALL. It would be impossible for the Committee on Appropriations to make recommendations as to where this money should be expended. A better plan, and one which has been in operation in the past, is to appropriate a gross sum, leaving the Secretary of War to make the distribution in his discretion.

Mr. DORSEY. That is right; we are satisfied with that arrangement.

Mr. RANDALL. A word in answer to the gentleman from Georgia [Mr. STEWART]. In the appropriation bill of last year there was supposed to be \$75,000 for Atlanta, Ga.; but, as I am informed, an exigency arose which compelled the War Department to expend the amount elsewhere, so that the \$75,000 which it was expected would go to Atlanta was never expended there. The reason given is that the money did go to points where there were troops in barracks, while at Atlanta there are no troops. That is the ground on which the Department acted.

Mr. DORSEY. There are troops at Forts Robinson and Niobrara—ten companies at each post.

Mr. RANDALL. We have contemplated in this bill that \$75,000 of the \$332,000 should go to Atlanta, if such be the judgment of the Quartermaster-General; and there is in the estimate an appropriation of \$75,000, intended to take the place of what should have gone last year to Atlanta. It is desired by the Department that such appropriation be made in the deficiency bill.

The question being taken on the amendment of Mr. DORSEY, there were—ayes 73, noes 70.

Mr. RANDALL. No quorum. I demand tellers.

Tellers were ordered, and Mr. DORSEY and Mr. O'FERRALL were appointed.

The committee again divided; and the tellers reported—ayes 83, noes 84.

So the amendment of Mr. DORSEY was disagreed to.

The Clerk read as follows:

That so much of the sundry civil appropriation act for the fiscal year 1886, approved March 3, 1885, as appropriates \$100,000 to enable the Secretary of War to acquire good and valid title for the United States to the Fort Brown military reservation, Texas, and to pay and extinguish all claims for the use and occupancy of said reservation by the United States, be, and the same is hereby, suspended, except as to \$50,000 of said sum, until otherwise ordered by Congress.

Mr. CRAIN. I make a point of order against this paragraph on the ground that it is obnoxious to that provision of clause 3, Rule XXI, which reads as follows:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. CRAIN. I do, unless the Chair is prepared to decide in my favor without hearing me. I do not want to consume time uselessly.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. RANDALL] desire to be heard?

Mr. RANDALL. I do not know that I have anything to say. In order to save time I am quite willing to leave this matter to the decision of the Chair.

Mr. HOLMAN. Mr. Chairman, there are two matters, it seems to me, to be considered on this point of order. One is that this being a miscellaneous appropriation bill, it is not subject as a general proposition to the same strict rule of order as other bills are where the appropriations are made more in conformity to existing law. But there is another consideration, and I will have to enter into a brief history in order to make myself clear to the Chair.

In the Forty-eighth Congress an appropriation of \$160,000 was made.

Mr. CRAIN. I desire to interrupt the gentleman from Indiana for a moment to ask him whether under the guise of discussing the point of order he proposes to go into the merits of the proposition.

Mr. HOLMAN. I am simply stating a matter of history to present clearly my point to the Chair. It will be brief, and the Chair will perceive it is strictly on the point of order.

The House appropriated \$160,000 for the purpose indicated in the paragraph. That money, if I understand the law, is covered back into the Treasury.

Mr. CRAIN. No; if the gentleman will permit me, I will answer him. I have a letter from the Secretary of the Treasury in which he says it is not covered back into the Treasury.

Mr. HOLMAN. I will state the law covering money into the Treasury. I am glad to read the statute on that subject:

Sec. 3691. All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury whose duty it is to settle accounts thereunder, and the Auditor shall examine the books of his office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper Department shall have certified that it may be carried into the general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated.

According to the principle there announced, after the period of two years all balances are to be covered into the Treasury, except as to outstanding settlements and contracts made under the law making the appropriation. In that view of the matter, assuming this \$160,000 was covered into the Treasury by reason of the lapse of two years under the operation of law, then I submit the effect of this proposition is the appropriation of \$160,000 to carry out the purpose of that original provision of law in the Forty-eighth Congress. In that view it seems this is not necessarily subject to the point of order, and the question would be whether the appropriation of \$160,000 is in conformity with existing law or not. I understand it is in conformity to existing law inasmuch as it is an appropriation of part of the \$160,000 according to the law making the appropriation covered into the Treasury.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Protection and improvement of the Yellowstone National Park: For the construction and improvement of suitable roads and bridges within the Park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose, \$25,000.

Mr. CRAIN. I desire to offer an amendment to come in at the end of this paragraph on page 62.

The Clerk read as follows:

That the Secretary of War be, and is hereby, authorized and directed to appoint a board of three engineer officers of the United States Army, whose duty it shall be to make a careful and critical examination of the northwest coast of the Gulf of Mexico west of 93 degrees and 30 minutes west longitude, excepting therefrom the mouth of the Brazos River in Texas, and select the most eligible point for a deep-water harbor, to be of ample depth, width, and capacity to accommodate the largest ocean-going vessels and the commercial and naval necessities of the country, which can be secured and maintained in the shortest time and at the least cost. And the said board of engineers shall report through the Secretary of War to the next Congress the point selected and the estimated cost of securing such port. The sum of \$2,000, or so much thereof as may be necessary to pay the expenses of said board, is hereby appropriated out of any money in the Treasury not otherwise appropriated. And it is provided that nothing contained herein shall prevent Congress from appropriating money for the continued improvement of other ports in Texas than the one which may be selected by the board of engineers herein mentioned.

Mr. RANDALL. I raise the point of order that makes a new law. It does not belong in here at any rate, it belongs in the river and harbor bill, if it is in order.

Mr. CRAIN. If it is in order, it certainly belongs in here.

Mr. HOLMAN. It creates a board, a commission.

Mr. CRAIN. Before the Chair decides I should like to say a word on the point of order.

The CHAIRMAN. The gentleman will proceed.

Mr. CRAIN. Mr. Chairman, the object and scope of the proposed amendment may be summed up in a few words. It directs the Secretary of War to appoint a Board of Engineers whose duty it shall be to make a critical and thorough examination of the northwest coast of the Gulf of Mexico for the purpose of determining the most eligible point at which a deep-water harbor can be obtained of sufficient capacity, depth, and width to admit the largest ocean-going vessels. It is carrying out the provisions of existing law. There are now on the statute-books laws providing for the improvement of our rivers and harbors throughout the country. There is no question of that, and this simply contemplates the carrying out of the objects and provisions of that law by the appointment of a Board of Engineers to determine how the money shall be expended which is annually appropriated in the river and harbor appropriation bill. The object of the amendment, therefore, and its effect, will be to save money to the Government, and looking at it from that standpoint, the Chairman, with his well-known views on such questions, I think will be constrained to overrule the point of order.

The CHAIRMAN. While the Chair is inclined to sympathize with the objects of the resolution, under the rules of the House he must sustain the point of order.

The Clerk read as follows:

For expenses of storm, cautionary, off-shore, cold-wave, and other signals on the sea, Lake, and Gulf coasts of the United States, and in the interior, announcing the probable approach and force of storms, including the pay of observers, services of operators, lanterns, and flags, \$10,000.

Mr. RYAN. I offer the amendment I send to the desk.

The Clerk read as follows:

After line 19, page 63, insert:

"For expenses of keeping and maintaining meteorological stations in the West Indies and contiguous points, in connection with the announcement of hurricanes on the Atlantic and Gulf coasts of the United States, \$1,000."

The amendment was adopted.

The Clerk read as follows:

PAY.

For pay for one brigadier-general and fourteen second lieutenants, mounted,

\$26,500; for longevity pay to officers of the Signal Corps, to be paid with current monthly pay, \$5,100; for pay of not exceeding one hundred and twenty-five sergeants, twenty corporals, and one hundred and seventy-five privates, including payment due on discharge, to men now in the service, \$121,595.60: *Provided*, That no part of this money shall be used in payment of enlisted men of the Signal Corps on clerical or messenger duty at the office of the Chief Signal Officer; for mileage to officers when traveling on Signal Service duty under orders, \$2,500: *Provided further*, That this amount shall be disbursed under the same limitations prescribed for payment of mileage to officers in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1889: *And provided further*, That no part of this appropriation shall be used to pay the expense of travel performed on strictly military duty; for commutation of quarters to commissioned officers at places where there are no public quarters, \$4,752; in all, \$160,447.60. And the Secretary of War is authorized, in his discretion, to detail for the service in the Signal Corps not to exceed five commissioned officers of the regular Army, to be exclusive of the second lieutenants of the Signal Corps authorized by law; and the regular Army officers herein authorized to be detailed for the Signal Corps shall receive their pay and allowances from the appropriation for the support of the Army; and no money herein appropriated shall be used for pay and allowances of second lieutenants appointed or to be appointed from the sergeants of the Signal Corps, under the provision of the act approved June 20, 1878, in excess of the number of fourteen, or for the pay and allowances of exceeding three hundred and twenty enlisted men of the Signal Corps.

Mr. RYAN. I move to strike out in lines 21 and 22 the words "to men now in the service." That clause is not applicable to this bill. It was copied from the current law and was applicable there, but is not here.

The motion was agreed to.

Mr. HERMANN. Before passing from this provision, Mr. Chairman, I would like to ask the gentleman from Kansas a question, and for that purpose I move a formal amendment.

I do not know whether it will be necessary to offer an amendment to the clause or not; but with the object of doing so if it shall be necessary, I desire to inquire of my friend whether the estimates of the Chief of the Signal Service have been observed in making up this provision of the bill, and whether the full amount of the estimate has been appropriated?

Mr. RYAN. The full amount asked by the Department has been given, I will state to my friend from Oregon.

Mr. HERMANN. I wish to say that requests have frequently been made by citizens of the eastern portion of the State of Oregon, a very large portion of that State, for signal stations, and that these requests have heretofore been absolutely ignored and no provision has been made for signal stations there. I have personally called and entreated the Chief Signal Officer to establish a signal station at Baker City, in Eastern Oregon. The reply has been unflinching made to such requests that the appropriations are insufficient to allow the establishment of additional signal stations; and yet, Mr. Chairman, that portion of the State of Oregon exceeds in area the whole State of New York. There is not a signal station in its borders, I mean Eastern Oregon proper, a section, I will state to the committee, which exports in wheat of the very finest grade that goes out of this country, an amount exceeding 10,000,000 bushels per annum. Notwithstanding the fact that it is of great importance as an agricultural region, there has been little attention paid to it, and not a signal station has been established there to observe the temperature or to give warning of approaching storms or study the characteristics and effects of the Chinook winds. As I understand it, the Signal Service is established largely in the interest of agriculture, and as agriculture forms so large an element of the wealth of that portion of the State which has heretofore been so much neglected, I thought it proper to call the attention of the committee and of the House to the fact, so that ample provision could be made for this service in the future, and that we would not be met with the same response which has always been heretofore given, that the money was not sufficient. Baker City, the point at which a station is so much needed, is in the midst of not only a rich farming section, but is the center of a great mining region. It is on a high plateau. I now understand my friend from Kansas to state that the entire amount of the estimates asked by the Signal Bureau have been given, and I hope therefore that a sufficient appropriation is made to enable a suitable and satisfactory response to be made to this request in the future.

Mr. RYAN. Mr. Chairman, the Appropriations Committee appropriated in this bill every dollar that was asked for by the Department. We could do nothing more, I will state to my friend from Oregon, than to make an appropriation for the needs of the service as indicated by the Chief of the Signal Bureau.

Mr. HERMANN. In view of the statement of the gentleman from Kansas, I will not detain the committee by offering amendments, but will hold the Signal Service responsible for any failure which may occur in this direction hereafter. I shall make another attempt to accomplish the wishes of my constituents through the Department, and if this shall again prove fruitless I shall seek relief by a specific amendment to the next appropriation bill and submit the necessary data to convince Congress that my State has not been fairly dealt with in this respect.

The Clerk read as follows:

Medical department: For medical attendance and medicines for officers and enlisted men of the Signal Corps, \$2,600: *Provided further*, That all medical accounts of the Signal Service shall go for examination and audit to the same Auditor and Comptroller by whom the other accounts of the Signal Service are examined and audited.

Mr. RANDALL. There is a misprint in that proviso, and I move to strike out the word "further" where it occurs after "*Provided*."

The motion was agreed to.

The Clerk read as follows:

For interment of officers and men, \$25.

Subsistence: For commutation of rations of not exceeding three hundred and twenty enlisted men of the Signal Corps, at 90 cents per day per man, and for sales of subsistence stores to officers and enlisted men of said corps, as authorized by section 1144 of the Revised Statutes and paragraph 2199 of the Army Regulations, 1881, \$103,477.50.

Mr. RANDALL. I offer an amendment at this point.

The Clerk read as follows:

On page 67, line 15, strike out the words "at 90 cents per day per man."

The amendment was adopted.

The Clerk read as follows:

Barracks and quarters: For commutation of quarters for not exceeding three hundred and twenty enlisted men of the Signal Corps, being one hundred and thirty men at \$20 per month per man, and one hundred and ninety men at \$15 per month per man, \$65,400.

Mr. RANDALL. I offer a further amendment to this provision.

The Clerk read as follows:

On page 67, line 24, strike out all after the word "corps" to and including line 2, on page 68, and insert "\$58,500."

Mr. RYAN. That is correct.

The amendment was adopted.

The Clerk read as follows:

NATIONAL CEMETERIES.

For national cemeteries: For maintaining and improving national cemeteries, including fuel for superintendents of national cemeteries, pay of laborers and other employes, purchase of tools and materials, \$100,000.

For superintendents of national cemeteries: For pay of seventy-three superintendents of national cemeteries, \$60,440.

Mr. ANDERSON, of Illinois. I offer the amendment which I send up to the Clerk's desk.

The Clerk read as follows

Amend by striking out the word "three," in line 12, and inserting the word "four;" and by striking out, in lines 12 and 13, the words "sixty thousand four hundred and forty" and inserting the words "sixty-one thousand one hundred and sixty."

Mr. RANDALL. That is in exact harmony with existing law, and I think the omission in the number was a mistake in the rendering of the estimates; therefore I favor this proposition.

The CHAIRMAN (Mr. BLAND). Does the gentleman make the point of order on this amendment?

Mr. RANDALL. It is not subject to a point of order; on the contrary, I think it ought to be adopted.

Mr. WARNER. I want to ask the chairman of the Committee on Appropriations whether the number herein provided is that now asked for by the Quartermaster-General?

Mr. RANDALL. It is an excess of one.

Mr. WARNER. I know requests have been made, and that the Quartermaster-General has stated when such requests were made that the number was now in excess of the amount appropriated for.

Mr. RANDALL. The bill presented from the committee is not in excess as to number as estimated for. The amendment offered by the gentleman from Illinois increases it one. That is in harmony with the law of last year.

The amendment was agreed to.

The Clerk read as follows:

Repairing roadways to national cemeteries: For repairs to roadways to national cemeteries which have been constructed by special authority of Congress, \$15,000.

Mr. BOWDEN. I desire to offer the following amendment.

The Clerk read as follows:

On page 70, after line 7, insert:

"For repairing and draining roadway to the national cemetery at Hampton, Va., \$2,000."

Mr. RANDALL. I have no disposition to interfere with anything that enables the living relatives of a deceased soldier to reach the grave of such soldier, and therefore have nothing to say against the proposition.

Mr. BOWDEN. The gentleman will find that there has been previous legislation for this purpose.

Mr. RANDALL. Whether there has or not, I am in favor of allowing people to reach the national cemeteries.

The amendment was agreed to.

The Clerk read as follows:

Survey of northern and northwestern lakes: For printing and issuing charts for use of navigators, and electrotyping plates for chart-printing, \$2,000.

Mr. ADAMS. In line 18 I move to strike out "two" and insert "three." I would ask the attention of the gentleman from Pennsylvania to this item, "For survey of northern and northwestern lakes." I find in the Book of Estimates for surveying, "additions to and correcting engraved plates, \$10,000." That has been omitted from the bill. This provision for printing and issuing charts for the use of navigators has been reduced from \$3,000 to \$2,000. I do not pretend to have any knowledge on the subject.

Mr. RANDALL. This is the same amount as was given a year ago and for many years. I know of no new surveys that have been made.

Mr. ADAMS. Has the estimate been the same other years?

Mr. RYAN. Yes, sir.

Mr. RANDALL. Three years ago it was two thousand, next three thousand, next three thousand, and this year three thousand.

Mr. RYAN. The estimate for 1886 was two thousand; for 1887, three thousand; for 1888, three thousand, and for this year three thousand, and we gave two thousand.

Mr. RANDALL. That is the case.

Mr. ADAMS. The gentleman is aware that new lights are being given each year; that this is for the purpose of protecting the navigators of the lakes. These new lights are not laid down in the old charts.

Mr. RANDALL. It is for charts on surveys which have already been finished.

Mr. ADAMS. That have been completed?

Mr. RANDALL. I so understand it.

Mr. ADAMS. This is a simple item for the benefit of the people who navigate the lakes.

Mr. RYAN. I do not think there is any difficulty about the matter.

Mr. ADAMS. I withdraw the amendment.

Mr. RYAN. I do not think there is any difficulty about the amendment. There have been no complaints made.

Mr. FARQUHAR. In this connection when you say there are no complaints, I want to say on behalf of the masters of vessels on the Great Lakes that there have been repeated complaints that they have never been able to get any larger appropriation than that proposed now.

Mr. ADAMS. I will renew my amendment.

Mr. FARQUHAR. I want to state that under this contracted appropriation many of the masters of vessels are now carrying charts that are almost illegible. I know that of my own knowledge. And I know that complaints have been made by the carrying companies on the Lakes in this respect. I asked two years ago to have that appropriation extended, and it was not done. So that now captains on the Lakes just take whatever they can get.

Mr. RYAN. What I said was, that there was no complaint from the Department.

Mr. RANDALL. Anybody who wants to do so can get as many charts as he wants.

Mr. FARQUHAR. I made several applications for these charts, and I was put down to the stringent rule of the Department as to the number that were given out.

Mr. RANDALL. I can not speak as to the rule of the Department.

Mr. FARQUHAR. There was even an application made from my own city. They have taken the captains of two or three great lines of steamers to school them and their mates in the navigation of the Lakes, and they have furnished \$400 of their own funds to supply these classes with charts.

Mr. RANDALL. The amendment has been withdrawn.

Mr. ADAMS. I withdrew it, and have renewed it.

The amendment was disagreed to.

The Clerk read as follows:

Publication of the Official Records of the War of the Rebellion, both of the Union and Confederate armies, as follows:

For continuing the publication of the Official Records of the War of the Rebellion, and printing and binding, under direction of the Secretary of War, of a compilation of the official records, Union and Confederate, so far as the same may be ready for publication during the fiscal year, to be distributed as required by act of March 3, 1885, \$36,000: *Provided*, That hereafter, before publication of any volume of said records, the manuscript copy shall be submitted to the Secretary of War, and revised by him, or under his supervision, by a committee to be selected by him for that purpose, from such clerks in the office of the Adjutant-General as have an expert knowledge of the war records, and shall not be published until he shall certify that it only contains the contemporaneous official records of the war of the rebellion, as provided for by the "act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," approved July 31, 1886. And from and after the passage of this act the records which have been, or which may hereafter be, selected for publication shall be accessible to the public, under such regulations as the Secretary of War may prescribe, but in no case shall such regulations permit the removal of the original records from the Department building.

Mr. RANDALL. I desire to offer an amendment to that paragraph. The bill as reported was not satisfactory to the officer in charge of this matter at the War Department, but we have now adopted language which will be acceptable to everybody concerned.

The amendment was read, as follows:

On page 72, strike out all after the word "supervision," in line 12, down to and including the word "records," in line 14, and insert "by a board of officers other than those attached to the War Records office."

The amendment was agreed to.

Mr. RANDALL. By instruction of the committee I desire to offer, on page 73, after line 8, the amendment which I send to the Clerk.

The amendment was read, as follows:

Page 73, after line 8, insert:

"Harbor of New York: For expenses in preventing obstructive and injurious deposits in the harbor and adjacent waters of New York City, etc., including \$60,000 for the purchase or construction of a vessel, \$94,070."

Mr. RANDALL. I wish to say that that amendment is in pursuance of law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. GROSVENOR. I should like to hear the gentleman state what law this is offered under.

Mr. COX. I will state to the gentleman that there was a law passed on the 29th of June, 1888, to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses. This

amendment is offered in pursuance of that law. Before I sit down I will ask that the report of the officer in charge of the improvements of the harbor may be printed in the RECORD in order to justify this appropriation.

Mr. GROSVENOR. Mr. Chairman, a law making a certain act a penal offense lacks very much, in my judgment, of being a law which would authorize an appropriation of \$60,000 or \$90,000, not merely to prevent the commission of the offense, but also to provide a vessel for the purpose of carrying into effect police regulations in regard to the subject-matter of the law. This is a subject that properly belongs to the Committee on Rivers and Harbors, if it belongs anywhere. It has been constantly brought before that committee, and I make the point of order that the entire amendment, being characterized by the appropriation for a steam-vessel, is not in order on this appropriation bill. It belongs by all means to the Committee on Rivers and Harbors, if it belongs anywhere; but in this connection I deny that the Government of the United States ought to dredge New York Harbor of the deposits put there by the citizens of New York, or allowed to be put there by the municipality of New York. I would rather vote for the improvement of a creek somewhere than to turn the General Government into a general scavenger for the purpose of making away with the refuse and debris of the city of New York. At this time, however, I make the point of order that this amendment is not authorized by any existing law. To illustrate, there is a statute against the counterfeiting of the currency of the country, but would it be proper under the rules of the House, because of the existence of that criminal statute, to put upon an appropriation bill a provision for the building of a house somewhere to harbor the police who were to pursue the criminals engaged in the violation of that statute against counterfeiting? To my mind there is nothing clearer than that this amendment is subject to the point of order.

Mr. COX. Would the Chair like to see the law under which this provision is offered? As I said before, it is an act to prevent obstructive and injurious deposits in the harbor of New York. That law was passed, and this amendment is for the purpose of providing an instrument by which to prevent those deposits. I may perhaps state the origin of the law for the purpose of illustrating what this amendment means. The object of the law was, if possible, to reconcile the jurisdiction of New Jersey and the jurisdiction of New York over that harbor and the adjacent waters. After years of experiment, it was found that there was no protection possible except by establishing Federal jurisdiction, and in June, 1888, an act was passed authorizing the Secretary of War to select an officer of the Navy as supervisor of the harbor of New York, who should take charge and prevent these injurious deposits. This amendment is to enable that officer, with the aid of a vessel and other necessary appliances, to prevent the scavengers from ruining this great harbor, which is a harbor not merely for the city of New York, but a harbor for the whole country. The jurisdiction of this supervisor extends up into Connecticut, and he says, in his report, that it is utterly impossible for him to execute the law without these additional aids which it is here proposed to provide. It was supposed that the law as passed last year had provisions sufficient to avert the destruction of the harbor, but experience has shown that its provisions are not sufficient for the complete carrying out of the law, and therefore this appropriation is properly offered as an amendment to the sundry civil bill.

The CHAIRMAN (Mr. BLAND). Will the gentleman from New York kindly furnish the Chair a copy of the law to which he refers?

Mr. BUCHANAN. In addition to what the gentleman from New York [Mr. COX] has said, I call the attention of the Chair to the fact that this is in effect a continuance of an existing work. Under the operation of the existing law, this harbor in the past year has been policed in this manner. This proposition is simply to provide for the continuance of that much-needed policing, a necessity which the gentleman from Ohio [Mr. GROSVENOR] himself admits, and a necessity which is becoming greater as week follows week. Only last week I read a report in the newspapers concerning the trial of the Zalinsky gun, in which it was stated that, as the result of some of those experiments, several shells containing such enormous potentialities for injury, lay unexploded in the bottom of this harbor. It is absolutely necessary that this policing be carried on—not commenced, for it has been commenced—but carried on.

Mr. BELDEN. I desire to state to the gentleman from Ohio that in seven weeks permits have been issued by the lieutenant in charge for the deposit of 3,000,000 cubic yards of earth and garbage. There is already provision made for protecting the harbor as far as the Narrows. An officer is stationed there to stamp the permits of vessels passing that point; but this officer can not exercise control out at sea so as to prevent the dumping of matter in the channel. It is necessary that a vessel should lie out there, so that every boat carrying this garbage may have its permit marked, to show that it has gone out to sea the required distance. The object can not be accomplished in any other way.

The CHAIRMAN (Mr. BLOUNT). The Chair overrules the point of order. The amendment appears to contemplate carrying out provisions of existing law with respect to this subject.

Mr. DINGLEY. I desire to ask the gentleman from Pennsylvania

who has charge of this bill, which Department will have control of this matter?

Mr. RANDALL. The War Department.

Mr. DINGLEY. Will the Secretary of War have charge of the construction of this vessel?

Mr. RANDALL. The general subject is under the control of the War Department, and I should think the Secretary of War would have charge of the construction of the vessel. The provision may be made more explicit if it is thought desirable.

Mr. DINGLEY. I suggest that it be made more specific.

Mr. COX. I will state that in order to reconcile any possible conflict of authority between the two Departments, this officer was selected from the Navy by the War Department. The law provides, as the gentleman from Pennsylvania has stated, that the matter shall be under the control of the War Department.

Mr. BELDEN. It is now under the War Department. The lieutenant in charge acts under the orders of that Department.

Mr. COX. There is no doubt about that.

Mr. RANDALL. It will be observed that the amendment provides for the "construction or purchase" of a vessel. Some gentleman can, if it be thought desirable, move to insert the words "by the Secretary of War."

Mr. DINGLEY. I only made a suggestion.

Mr. BELDEN. The matter is now fully under the control of the War Department.

Mr. DINGLEY. If there is any doubt, the amendment might be modified.

Mr. BELDEN. There is no doubt on the subject.

The question being taken on the amendment, it was agreed to.

Mr. COX. I desire to have printed in the RECORD the report which I hold in my hand.

There being no objection, leave was granted.

The document is as follows:

OFFICE OF THE SUPERVISOR OF THE PORT OF NEW YORK, ROOM 4, UNITED STATES BARGE OFFICE, New York, January 8, 1889.

SIR: I have the honor to submit the following report of the operations of this office since its opening on the 19th of November last. As stated in my report made to the Department on September 25, 1888, I have adopted the following system as the most feasible with the funds available: Permits for the removal of all materials enumerated in the act are issued from this office. All the material which is to be towed to sea, passing through the Narrows, moves with a permit authorizing the deposit at either the "mud" or "refuse" buoys, which are two white spar-buoys, located about 3 miles from Coney Island and south of the entrance to Rockaway Inlet. As these tows pass the Narrows they are boarded by an inspector stationed at Fort Hamilton, N. Y. This officer stamps the permit, notes the condition of the tow, to see that the number and kind of boats are in keeping with the permission granted for the removal of the material, and notes the time of their passage outward.

On return of the tow of empty vessels the permit is taken up and the time again noted; the elapsed time is the best evidence, under the system, that the vessels have been gone sufficient time to reach the place of deposit. This system, while insuring the material reaching a point at least below the Narrows before it is deposited, is not complete, but leaves several miles in Gravesend Bay and Coney Island Channel which is not under proper surveillance and difficult to cover without a steamer constantly on the watch. A better system would be to locate a vessel, similar to a light-ship, on the dumping-ground, and require the permits to be delivered to inspectors stationed on board of her before the deposit will be allowed to take place. This will entail the additional expense of a vessel and crew at the place of deposit.

Since the opening of the office more than eight hundred permits have been granted for the removal of materials enumerated in the act. Permission has been given for the removal to sea of 372,420 cubic yards, to be deposited at the "mud" and "refuse" buoys, and for the removal of 356,246 cubic yards of material for deposit within the harbor, which is used for filling in bulkheads, reclaiming land, etc. This quantity of material, a total of more than 728,666 cubic yards, which has been transported and deposited in this vicinity under these permits, during a period of seven weeks, in this, the dull season, represents a cube equal to one of the larger buildings in this city. The detriment that would result from the deposit of this amount in the channels will be readily understood. In addition to these, permits for the deposit of 320,000 cubic yards of dredgings have been granted for Long Island Sound and 1,200,000 cubic yards for the lower New York Bay to points beyond the outer bar; making an aggregate of 2,050,666 cubic yards for all points.

In order to avoid permits from this office being used as an excuse for violation of the laws of the States and municipalities bordering on the navigable waters covered by the act, I issued the following proclamation, designating the places of deposit, as required, after defining the exact location of the "mud" and "refuse" buoys by compass bearings and distances:

"In cases where filling inside of bulkheads is to be undertaken, where land is to be reclaimed or where dredgings, stone, earth, mud, sand, cellar dirt, and ashes can be disposed of without being towed to sea, or where it is desired to deposit them in Long Island Sound, special permits may be granted when they will not conflict with the laws of the United States relating to harbor lines, or the State and municipal sanitary or other laws."

And I have added to the permits for the deposit of material within any municipality the following clause:

"This permit shall by no implication be construed to authorize or empower the grantee therein to transport and deposit the material herein declared from and to the points herein designated in violation of the common law, or any State, county, or municipal laws, ordinances, or regulations."

The extent of the jurisdiction of this office will be made evident to the Department when it is informed that I have granted permits for the deposit of dredgings taken from the Thames River, Connecticut, Wilson's Point, Conn., Hartford, Conn., East Chester Creek, New York, Newburgh, N. Y., the Arthur Kill, New York, Gedney's and Main Ship Channels, New York Bay, in addition to the major part of the work which is done in and about this city, for the department of docks, the street-cleaning department, steam-ship companies and other corporations and individuals.

Up to this time but one case of violation of the act has been reported. The illicit deposit took place in the North River. A number of hearings have taken place before the United States commissioner in the eastern district of New York. More testimony is to be submitted before the case is presented for indictment.

I have made an effort to have removed from the East River an almost sub-

merged mooring buoy, placed there without authority, and which is a dangerous obstruction. This matter has been placed in the hands of the United States attorney for the eastern district of New York.

For the information of the Department I inclose herewith copies of the various blanks now in use.

The force employed at this time for the enforcement of the act numbers eleven people, including a junior naval officer as assistant, one inspector, five deputies, three boatmen, and one type-writer.

In order to keep thoroughly informed concerning the removal of material coming within the jurisdiction of this office, it is necessary to continually patrol the river front and harbor to learn where dredging is being done and where material is being handled. This work is being performed by the inspector and deputies, and requires their attendance at points on the rivers and bay night and day.

The services of a small steamer are absolutely essential to note progress of work, in patrolling the rivers, watching the movements of tows, and in making visits to various points in the harbor. Great interest is manifested here in the proper enforcement of this law, and I have received considerable encouragement in my efforts to compel a compliance with it. In reviewing the law with one of the United States district judges, and with the United States attorneys for the southern and eastern districts of New York, the act was pronounced very incomplete, and in certain particulars unskillfully drawn. In order to correct these mistakes it will be necessary to have some additional legislation.

I find that both the means and appliances at my disposition are inadequate to a thorough supervision of the large jurisdiction of this office. I have the honor to submit below an estimate to provide for a more complete supervision of this work, including the purchase of a vessel to be moored at the place of deposit, south of Coney Island, for her maintenance and the support of this office for the coming year:

Table with 2 columns: Item description and Amount. Items include purchase of vessel, lamps, outfit of supplies, pay-rolls, rations, ship-chandlery, etc. Total amount is 91,070.

Total..... 91,070

I have the honor to be, very respectfully, JACOB J. HUNKER, Lieutenant, United States Navy, and Supervisor.

Hon. WILLIAM C. ENDICOTT, Secretary of War, Washington, D. C.

Mr. FORD. I offer the amendment which I send to the desk. The Clerk read as follows:

On page 73, after line 8, insert: "For the construction of an iron bridge over Mill Creek, between the military reservation of Fortress Monroe and Elizabeth City County, Virginia, \$20,000; to be expended under the direction of the Secretary of War."

Mr. RANDALL. I want to reserve a point of order on that amendment until I hear the gentleman from Michigan [Mr. FORD].

Mr. FORD. Mr. Chairman, under the deed of cession by which the State of Virginia ceded to the United States the reservation known as Fortress Monroe and Old Point Comfort, Va., it was stipulated that the United States should keep a bridge over what is known as Mill Creek, a small stream separating the reservation from the mainland—Elizabeth City County, Virginia. In pursuance of that stipulation of the deed of cession, Congress has from time to time made appropriations for the construction of a wooden bridge. As gentlemen are aware, there is in salt water an insect or worm known as the teredo, which is very destructive to wooden structures, so much so that this bridge has to be almost completely reconstructed every year. In consequence of this the Engineer Department has recommended, as a matter of economy, that an iron bridge be built there. The proposition has been considered by the Committee on Military Affairs, and an appropriation of \$20,000 recommended for the purpose of constructing such a bridge, which will dispense with the necessity of annual appropriations for keeping these wooden bridges in repair. And I would like the Clerk to read a letter from General Duane, Chief of Engineers, on this point.

Mr. RANDALL. I wish to ask a question on one or two matters. This is entirely within a reservation; that is, the land at both ends of the bridge is owned by the United States.

Mr. FORD. No; the north end was owned by the State of Virginia, and, as I said before, in the deed of cession from the State of Virginia conveying this to the United States it was stipulated that the Government of the United States should keep up this bridge. The bridge was owned at that time by the Hampton Bridge Company, and I have in my hand the appropriation bill for 1838, which was passed after the cession of this land to the General Government by Virginia, by which \$4,000 was appropriated to purchase this bridge from the Hampton Bridge Company. That was appropriated, the bridge was purchased, and since then we have appropriated something almost every year to keep that bridge in repair. I ask the Clerk to read the letter of General Duane.

The Clerk read as follows: OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY, Washington, D. C., May 22, 1888.

SIR: I have the honor to return herewith House bill 9067, Fiftieth Congress, first session, a bill "for the construction of an iron bridge from the military reservation at Fortress Monroe to Elizabeth City County, Virginia," which was referred to Lieut. Col. Peter C. Hains, Corps of Engineers, who reports as follows:

"A wooden bridge is now maintained by the United States across Mill Creek,

This bridge frequently needs repairs on account of the perishable nature of the material used in its construction and the destructive nature of the teredo. The Government, I understand, is compelled, under the deed of cession to the United States of the site of Fort Monroe, to maintain a bridge across this stream. It would ultimately be more economical to the United States to maintain a more substantial structure than the existing one, and it would be a greater convenience to the public.

"A more substantial bridge than the existing one can be built for \$20,000, but a still better can be built for \$25,000, and I would suggest that the latter amount be appropriated."

I concur in the foregoing report of Lieutenant-Colonel Hains, and recommend that the word "twenty" be stricken from line 7 of the bill and the word "twenty-five" be inserted in lieu thereof.

Very respectfully, your obedient servant,

J. C. DUANE,
Brigadier-General, Chief of Engineers.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

Mr. FORD. The amendment does not appropriate \$25,000, as the Chief of Engineers states \$20,000 would build a good iron bridge.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. RANDALL. I do not know that the point of order could be raised against it.

The amendment was agreed to.

The Clerk read as follows:

For payment of the fees and expenses of United States marshals and deputies, \$675,000: *Provided*, That not exceeding \$300,000 of this appropriation may be advanced to marshals, to be accounted for in the usual way, the residue to remain in the Treasury, to be used, if at all, only in the payment of the accounts of marshals in the manner provided in section 856, Revised Statutes: *Provided further*, That the accounting officers of the Treasury shall audit, adjust, and settle the accounts of marshals and their deputies within sixty days next after the same are presented for allowance.

Mr. ROGERS. I want to suggest to the gentleman from Pennsylvania, I think we should strike out in line 17 the word "three" and insert "four," and if he will look at the bill I will explain to him the reason why. After the sundry civil appropriation bill was prepared, and was in print, I sent a copy of it to the Attorney-General inviting his attention to that passage, and asking for any criticism he might have to make. In reply he addressed this letter to me. I will read it without caption or address:

In answer to your letter of the 9th instant, transmitting a copy of the proposed sundry civil bill for the fiscal year 1890, and referring particularly to the last paragraph on page 37, it is respectfully suggested that in line 17 the word "three" should be stricken out and the word "four" inserted, for the reason that on the 1st day of January, 1889, \$200,000 of this appropriation had been advanced for the current fiscal year, and that in the deficiency submitted to the Department \$100,000 more is asked for the current fiscal year. It is also respectfully suggested that in line 24, page 87, and line 1, page 88, the words "and their deputies" be stricken out and there be substituted the words "under this appropriation."

Very respectfully,

A. H. GARLAND, Attorney-General.

It is quite apparent now, I think, before the end of the current fiscal year this entire appropriation will be exhausted and some criminal courts, where the internal-revenue laws prevail and in the Indian Territory, will have to stop, because the marshals will be unable to retain deputies to issue process under existing statutes. I think it is proper, therefore, for the purpose of making trial of this law this amendment should be made.

Mr. RANDALL. I would hesitate to controvert the gentleman's proposition, because he is so much more familiar with the details of the duties of these marshals and the condition of things generally in that regard than I am; I attach a great deal of weight to his judgment. Therefore, while I have no authority from the committee to accept this amendment, I am free to say if it is offered I would feel myself inclined to vote in favor of it on the statement of the Attorney-General, which has been given by the gentleman from Arkansas.

Mr. ROGERS. I have offered the amendment.

The amendment was adopted.

Mr. ROGERS. Now, one further observation. In line 24, on page 37 of the bill, it is provided—

That the accounting officers of the Treasury shall audit, adjust, and settle the accounts of marshals and their deputies, etc.

The words "and their deputies" are manifestly in there by some error or accident.

Mr. RYAN. They ought to be stricken out.

Mr. ROGERS. For the Department does not settle the deputies' accounts at all. I move, therefore, to strike these words out.

The motion was agreed to.

The Clerk read as follows:

For fees of United States commissioners, and justices of the peace acting as United States commissioners, \$100,000. And no part of any money appropriated by this act shall be used to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made, or other fees in prosecutions under the internal-revenue laws, unless the prosecution has been commenced upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon sworn complaint by a collector or deputy collector of internal revenue or revenue agent, setting forth the facts upon information and belief and approved either before or after such arrest by a circuit or district judge or the attorney of the United States in the district where the offense is alleged to have been committed or the prosecution is by indictment.

Mr. ROGERS. I move to strike out in line 9 the words "prosecution is by" and insert after the word "indictment" the words "is found;" so that it will read "where the offense is alleged to have been committed or the indictment is found."

I favor this section of the bill, and think that makes plain the object of the committee.

The amendment was adopted.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, \$2,013,000; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely:

Mr. FARQUHAR. I offer the amendment I send to the desk.

The Clerk read as follows:

In line 15, page 91, strike out the words "and thirteen" and insert "three hundred and sixty-three;" so that it will read, "\$2,363,000."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

Mr. FARQUHAR. Mr. Chairman, I offer that amendment because I find in the present appropriation bill the amount is \$2,218,000, while for the work of the preceding year Congress appropriated \$2,281,000.

Now, in connection with asking for this additional \$350,000, I desire to call the attention of the committee to an extract from the report of the investigation of the Government Printing Office, and I ask the Clerk to read the paragraphs which I have marked.

The Clerk read as follows:

Now let us see what that involves in the matter of delayed work, and what becomes of the bombastic claim of Benedict that the work of the office is further along than it was under his predecessor. The reserve of the second session of the Forty-ninth Congress makes 51 volumes of over 1,200 pages each, according to Captain Brian's testimony on page 205.

Taking Benedict's statement that there has been an increase of 38 per cent. in the Congressional work of the first session of the Fiftieth Congress over that of the first session of the Forty-ninth Congress, the reserve work of the first session of the Fiftieth Congress will make 147 volumes of 1,200 pages each. This makes a total of 237,600 pages, or 14,850 signatures of 16 pages each remaining to be printed, with an average of over 1,000 copies on each signature, giving, in round numbers, with the usual percentage for waste added, a total of 15,295,500 impressions to be made on this delayed work. This will, according to the average shown by a statement of a day's work of the press-room, submitted by Captain Brian, on page 216 of the testimony, require 16 presses one year of continuous work to complete. Then all these 15,295,500 sheets will have to go through the folding-room to be folded and hydraulic pressed before they are ready for Mr. White in the bindery.

The foregoing represents an alarming amount of work on hand to be done, which, under former administrations of the Government Printing Office, was never allowed to accumulate. Add to this the cost of the paper necessary to print this immense amount of work, and a faint idea can be formed of the condition of the office at this time. It is within bounds to say that if not another order for printing should go into the office, and the whole time of the presses adapted to this class of work was employed on the reserve alone, it would require three months' time and an expenditure for labor and paper of over \$100,000 to print the reserve work up to the condition it was left by Benedict's predecessor.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FARQUHAR. Oh, I hope not, Mr. Chairman. Time has been given to other gentlemen in discussion.

Mr. STEELE. If I can be recognized, I will yield to the gentleman from New York.

Mr. FARQUHAR. I want additional time. I do not think I shall ask over ten minutes.

Mr. RICHARDSON. If the gentleman consumes ten minutes on that side, we shall ask the same on this.

Mr. FARQUHAR. I have no captious reason for discussing this question. I only ask the time, and if the gentleman from Tennessee wants time to reply I have no objection.

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

Mr. RICHARDSON. I object unless time is accorded to this side.

Mr. RANDALL. I do not think there is any "side" about this.

The CHAIRMAN. Does the gentleman from Tennessee ask for the same length of time?

Mr. RICHARDSON. I do if it is consumed on the other side.

Mr. RANDALL. I will ask unanimous consent that twenty minutes be allowed for debate on this question, and then that the vote shall be taken upon the paragraph and all amendments without further debate.

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

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from New York for ten minutes.

Mr. FARQUHAR. I want, first of all, to call the attention of the committee to the fact that for the year 1890 there is a less estimate than there was for the past year, and I had the extract read for the purpose of calling the attention of the committee to the condition of things prevailing at the Government Printing Office at this time, and to show that a new system has prevailed in that office for the last two years. Heretofore it has been customary to work up the usual num-

ber of 1,900 copies when the type was put on the press. If advantageous, it was entirely worked up; and, when there was an opportunity, the reserve work was brought forward, and heretofore the Public Printers have kept the reserve work close up with the work at the end of each year. The present Public Printer, however, has a plan of electrotyping or stereotyping, in which, after working up his first 900 from the type, he stereotypes it and sets aside the plates, and lets the reserve work on the 1,000 lie by.

The extract just read shows the condition of things. That committee say there that it would take sixteen presses one whole year to work up the reserve work that is now in the Government Printing Office. Now, the condition is that this appropriation does not cover such an expense, neither for the press-work, for the binding, nor for the paper.

Furthermore, we are confronted now with a strong probability of an extra session of Congress. We are also confronted with the condition that after the first quarter another deficiency bill will come in. We are confronted, too, with a condition which has existed now for four years in the appropriation bills of this House—that of the Public Printer being forced to come in here with a deficiency bill begging for enough money to run his office.

Now, that is the condition. There is no politics in this. It is simply that the Congress of the United States has, by the passage of bills for printing and by the subdivision of printing for the Departments, imposed upon the present Public Printer and his successor more work than the money appropriated will cover. Now, why should we run into a deficiency? I am not criticising the present Public Printer. I have no desire to do that, because reports have been presented fairly by the majority and minority of the committee, and I am willing that the matter should rest there. But I am not willing to stand here as we have done in the past. I have questioned this committee before—especially two years ago—to know why the House, knowing that the work must be done, does not provide the money to do it. There is no economy in that.

I also desire to call the attention of the chairman of the committee and the House to the fact that the estimates made by the Public Printer for this year are \$2,779,751, and he is only allowed in this bill \$2,218,000—over half a million cut out of the estimates. This is for what purpose? It does not seem to me that there is any justification for it.

Now, devoid of all feeling that I might have as to the way in which this Printing Office has been run since Mr. Benedict has been Public Printer, I simply submit to the House that unless there are good reasons given by this committee why the appropriation should be half a million dollars less than the estimates, this House ought to take the remedy into its own hands. I hope there were sufficient reasons. But I want to say now that in my experience of that office in the last four years, if you vote this \$2,218,000 now, in less than six months you will have to meet a deficiency or disable the whole working force in that establishment.

Two years ago I asked the chairman of this committee if the two millions proposed to be appropriated would run the office. He said, "Yes." And I find that the first deficiency that came in was for \$231,000. In 1887 the deficiency was \$85,000; in 1888 it was \$108,000, and in 1889 it was \$83,000.

Now, I question whether there is any other branch in which provision is made of so much money only as will meet the exact working needs of the Department. I think it seems to be the rule that deficiency bill after deficiency bill is to come into this House, and seemingly we have not either the sense or the courage to provide a proper amount at the proper time.

Mr. BLOUNT. I wish to ask the gentleman a question, if he will yield.

Mr. FARQUHAR. I yield, certainly.

Mr. BLOUNT. I wish to ask the gentleman if he means to say that this matter of deficiencies for the public printing began with the administration of Mr. Benedict?

Mr. FARQUHAR. The deficiency of Mr. Benedict commenced in 1886. That deficiency extended partly into one administration and partly into the other. That was for \$231,000. The whole of the next deficiency of \$85,000, and of the next of \$108,000, and of the last of \$83,000, is his own.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. CUMMINGS having taken the chair as Speaker *pro tempore* a message was received from the Senate by Mr. MCCOOK, its Secretary, which announced agreement to the amendments of the House to the bill (S. 1481) granting a pension to Allen White Dowling; and also to the bill (S. 3233) granting a pension to Reuben Ash.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 3663) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri; and

A bill (S. 3830) to amend an act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February 18, 1888.

It also announced that the Senate had passed with amendment the bill (H. R. 6105) donating two 6-pound brass cannon to the Illinois Soldiers' and Sailors' Home, and heretofore the Public Printers have kept the reserve work close up with the work at the end of each year. The present Public Printer, however, has a plan of electrotyping or stereotyping, in which, after working up his first 900 from the type, he stereotypes it and sets aside the plates, and lets the reserve work on the 1,000 lie by.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. FARQUHAR. I say that from the official figures furnished me by the Committee on Appropriations. I pretend to say, and I do say, that that is all as far as I have any official information. I reserve the balance of my time. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has about three minutes left.

Mr. FARQUHAR. That is enough.

Mr. RANDALL. Mr. Chairman, the deficiencies did not begin under the present incumbent of the Government Printing Office. The deficiency clearly chargeable to his predecessor, Mr. Rounds, in 1886, was \$231,000. Since Mr. Benedict's term began the deficiencies clearly chargeable against him are as follows: In 1887, \$85,000; in 1888, \$108,000; in 1889, the current year, \$63,000. It will be seen, therefore, that Mr. Benedict's deficiencies for three years do not aggregate much more than the single deficiency of the last year of Mr. Rounds. So much for Mr. Benedict's administration as compared with that of his predecessor.

Mr. FARQUHAR. Was the whole of that \$231,000 a real deficiency in Mr. Rounds's administration?

Mr. RANDALL. I do not know whether it was real or fancy, but I know it was a deficiency.

Mr. FARQUHAR. I know that when I was on the Committee on Printing there was \$95,000 of that deficiency to be properly chargeable to that administration.

Mr. RANDALL. No, sir. If the gentleman alludes to the leaves of absence for fifteen days which began in 1887 and was made thirty days in 1888, that will show Mr. Benedict to still greater advantage in comparison with his predecessor, because in 1887 the change of law in that respect involved a charge of some \$95,000 against the Public Printer, and when you come to 1888 the amount for the thirty days' leave is \$190,000.

Mr. RYAN. Was not the deficiency of 1886 expended in part under the present incumbent of the Public Printing Office?

Mr. RANDALL. No; the deficiency of 1886 is clearly chargeable to Mr. Rounds, and not to Mr. Benedict.

Mr. FARQUHAR. I beg the gentleman's pardon. I was not discussing that question at all. I was simply calling attention to the fact that the appropriation bills for years have not carried sufficient money to do the public printing.

Mr. RANDALL. Well, you seemed to impress several other gentlemen, as you did me, with the idea that you meant that the deficiencies under Mr. Benedict were attributable either to insufficient appropriations or to a lack of business capacity on his part.

Mr. FARQUHAR. I was not discussing that at all.

Mr. RANDALL. Now, I have shown that the aggregate of Mr. Benedict's deficiencies for three years was only about equal to the deficiency of Mr. Rounds for his last year, and I have shown further, to the advantage of Mr. Benedict, that those deficiencies included an item of \$95,000 in 1887 for the fifteen days' leaves and \$190,000 in the next year for the thirty days' leaves.

Mr. FARQUHAR. In what way is the money for the leaves of absence provided?

Mr. RANDALL. It was originally provided in the law which granted the leaves of absence.

Mr. FARQUHAR. So that the money was provided otherwise than in this appropriation bill?

Mr. RANDALL. All these items are embraced in these figures of which the gentleman has a copy. The figures include the expense of the fifteen days' leaves and also of the thirty days' leaves. I have shown that Mr. Benedict's deficiencies for three years are not equal, or not much more than equal, to Mr. Rounds's deficiency in 1886. I have shown also that in 1887 there was an appropriation of \$95,000 required and in 1888 an appropriation of \$190,000 for leaves of absence. Now, I want to show further that the amount which we give this year is about the same that Mr. Benedict has been spending every year for the last three years. In 1887 the amount was \$2,180,000, including the deficiency of that year of \$85,000. In 1888 it was \$2,230,000, including the deficiency of \$108,000. In 1889 it will be \$2,281,000, including the deficiency which was passed just before Christmas. We recommend the appropriation of \$2,218,000, including the pay for leaves of absence, which is about the average sum for the last three years. The amount therefore is entirely adequate in my judgment, estimating upon the same basis upon which the business of the Printing Office has been done for the past three years, and these figures show further that the proposition to increase the amount \$350,000 for the probable new incumbent of the office is not reasonable or necessary.

Mr. BLOUNT. I would like to ask the gentleman from Pennsylvania before he takes his seat whether it has not appeared from examinations which have been made for eight or ten years past that the Pub-

lic Printer has generally been two or three years behind in the matter of printing documents?

Mr. RANDALL. Oh, yes. He is better up in that part of the business than he has been for many years.

Mr. RICHARDSON. Much nearer up. Mr. Chairman, I do not care to discuss the question of the deficiencies to which the gentleman from New York [Mr. FARQUHAR] and the gentleman from Pennsylvania [Mr. RANDALL] have referred, but one question which the gentleman from New York [Mr. FARQUHAR] has introduced, in regard to the policy pursued by the present Public Printer, as compared with previous occupants of that office, in regard to printing the "reserve" copies of public documents, I do desire to address myself to. I insist that the present policy is the economical one. The special committee of this House charged with the investigation of the Government Printing Office examined carefully into this question in the progress of that investigation made during last session.

Now, I do not wish to set up my opinion as against that of the gentleman from New York [Mr. FARQUHAR], who is an old printer and probably an expert in these matters; but I do not concede that he has given closer attention to the workings and internal operations of the Government Printing Office than I have, and which I was forced to do in the conduct of that investigation. I base the statement I make, not upon my own knowledge of printing, but upon the testimony adduced before the special committee charged during the first session of the Fiftieth Congress with the investigation of the Government Printing Office. I had the honor to prepare the report of that committee and submit it to this House. I beg leave to quote from that report upon this point the following, beginning on page 47, as a complete answer to the complaint the gentleman from New York makes in the printing and handling of the "reserve" work of the office:

It was the custom under former Public Printers, including Mr. Rounds, to print all the "reserve," which is 1,900 copies, of documents and books ordered by law when the "up-number"—that is, the number of documents sent to Congress—was published. This number is the same in every publication. In such cases, when the up-number—those delivered immediately to Congress—were bound, the remainder of the edition, known as "the reserve," was held in an unbound condition. The rule was to print the whole edition at one time. The type was then distributed. Upon the delivery of the up-numbers to Congress, the remainder, known as "the reserve," was tied up in unbound packages. The various signatures (16 or 32 pages) were placed in packages by themselves and stowed away in store-houses rented for that purpose. This reserve of printed matter remained there sometimes for months, and even for years, before the office was ready to bind it. When ready for binding, the number of signatures necessary to fill out the number of documents ordered by law should have been found in each package. This would have been the case if the count had been accurate and a proper number of signatures printed before they were stored away.

The committee found that in the administration of Mr. Rounds there was frequently no proper count. In very many instances there was a large excess of signatures, and, again, the signatures were short as to number. When the signatures were found to be excessive they were thrown out as waste paper. When they were short, too few in number, it was necessary to reset the type and print a sufficient number to supply the deficit. The records of the office show the quantity of printed matter, known as excessive signatures, thrown aside as waste paper in binding this reserve. A careful statement was furnished the committee of its amount for seventeen months preceding the retiring of Mr. Rounds from office. This statement appears in the testimony of W. E. Scudder, on page 587 (of printed testimony), and is as follows:

Imperfect signatures sold as waste from May, 1885, to September, 1886, inclusive (seventeen months).

Month.	Number.	Month.	Number.
1885.		1886.	
May	24,714	January	13,856
June	26,793	February	10,852
July	22,413	March	12,692
August	18,420	April	14,618
September	25,504	May	12,284
October	33,810	June	30,002
November	9,640	July	22,604
December	19,610	August	8,666
		September	12,069
			318,547

A similar statement for the first seventeen months following the incumbency of the present Public Printer is inserted, and is as follows:

Imperfect signatures sold as waste from October, 1886, to February, 1888, inclusive (seventeen months).

Month.	Number.	Month.	Number.
1886.		1887.	
October	56,320	August	11,753
November	32,556	September	9,541
December	30,121	October	22,146
		November	47,147
		December	12,201
1887.		1888.	
January	25,957	January	14,440
February	9,234	February	10,195
March	48,765		
April	52,072		
May	12,019		
June	17,511		
July	19,887		
			431,865

* 43,921 pounds of this amount came from the Globe building.

These statements cover thirty-four months. The first is altogether the work of Mr. Rounds, and of the latter over 80 per cent was his work. (See W. E. Scudder's testimony, page 597.) Thus in thirty-four months there accumulated 750,412 pounds of these imperfect or excessive signatures—nearly 400 tons! This was all printed matter. The paper, outside of the composition, press-work, ink, etc., alone cost at least \$15,000 or \$20,000. This waste was due to the grossest negligence in a failure to print the proper number of signatures in the beginning.

This, however, does not show the real loss to the Government. It only shows the loss where too large a number of signatures were printed. In a like number of cases, by reason of the inaccuracy in the count when the press-work was being done, there was a failure to print a sufficient number of signatures in a given work. When the work went to the bindery, after oftentimes a delay of months and of years, if there was not a sufficient number of signatures to fill out the full edition ordered the type had to be reset and a number sufficient to make up the deficiency had to be printed. This involved almost as much expense as the printing of the whole edition in the first instance. To illustrate the magnitude of this reckless waste and extravagance, the committee insert a statement of signatures and copies reprinted during 1885-'86-'87 to make up the required sheets to fill the deficiency under Mr. Rounds's administration. It appears in the printed testimony at page 1097 and following:

Statement of signatures and copies reprinted during 1885-'86-'87-'88 to make up the required sheets for work originally printed short under Mr. Rounds's administration.

- Census:
- Part 4, Transportation (printed October 29, 1885), 37 signatures, 5,105 copies.
 - Part 7, 40 signatures, 9,369 copies.
 - Part 9, Forestry (printed August 15), 25 signatures, 3,495 copies.
 - Volume 8, 22 signatures, 4,519 copies.
 - Part 13, Precious Metals, 32 signatures, 15,521 copies.
 - Volume 11, part 1 (July 7), 23 signatures, 4,242 copies.
 - Parts 1 and 5, 42 signatures, 8,335 copies.
 - Parts 6 and 2, 34 signatures, 6,962 copies.
 - Order for printing signatures to complete Census, volume 6, parts 1 and 2, and volume 7.
 - Order to print 70 copies of signature 1, and 74 copies of signature 44 (August 14, 1885).
 - Order to print accompanying sheets to complete order on volume 10 (June 3).
 - Order on signature 33, Mortality Census.
 - Part 1, Population, 48 signatures, 24,777 copies (September 24).
 - Volume 8 (December 4, 1884), 64 signatures, 19,379 copies.
 - Agriculture (August 19, 1885), 61 signatures, 35,992 copies.
- National Museum Proceedings:
- 7 signatures, 861 copies.
 - 4 signatures, 2,015 copies.
 - 5 signatures, 2,015 copies (March 31, 1885).
 - 2 signatures, 775 copies.
 - 2 signatures, 775 copies (September 16, 1884).
 - Order for 250 copies on pages 193 and 208, and 100 copies on accompanying list.
 - 4 signatures, 1,503 copies (October 10).
 - 4 signatures, 1,705 copies (July 10).
 - 3 signatures, 1,860 copies (May 22, 1885).
 - 5 signatures, 1,065 copies (September 5, 1884).
 - 3 signatures, 620 copies (October 5, 1886).
 - Order to print 150 copies on accompanying pages, 221 to 224 inclusive.
 - Order to print 155 copies of pages 199 to 210, inclusive (April 4).
 - 9 signatures, 1,705 copies.
 - 7 signatures, 2,500 copies.
 - 4 signatures, 930 copies.
 - 2 signatures, 1,265 copies (January 5).
- Records of Rebellion:
- 39 signatures, 11,867 copies (July 18, 1885).
 - 38 signatures, 8,280 copies (October 3, 1885).
 - 46 signatures, 7,540 copies (volume 13).
 - 49 signatures, 13,315 copies (volume 11, part 2).
 - 29 signatures, 5,066 copies, volume 12, part 1 (May 9, 1885).
 - 28 signatures, 5,685 copies, volume 9, part 2 (May 8, 1885).
- Congressional Record:
- Index to Congressional Record, 36 signatures, 5,983 copies.
 - Volume 15, part 6, 45 signatures, 12,217 copies.
 - Appendix, 32 signatures, 8,983 copies.
 - 60 signatures, 7,669 copies.
 - Parts 1, 2, 3, and 4, 55 signatures, 11,154 copies.
 - Volume 17 (September 8), 2 signatures, 220 copies.
 - Record book.
 - Volume 16, part 1, 19 signatures, 7,199 copies.
 - Order for 2,600 copies of March 2, 1885.
 - Order for Land Laws and Congressional Record (November 10).
- Congressional Directory:
- 9 signatures, 2,664 copies.
- Land Laws:
- Volume 3, 3 signatures, 375 copies.
 - Signature 26, 25 copies.
 - 5 signatures, 435 copies.
- Educational Circulars:
- 12 signatures, 4,007 copies.
 - Order for signatures 2, 3, and 6 of Circular No. 4.
 - Circular No. 7, 4 signatures, 7,453 copies.
 - Circular No. 6 (April 9, 1885), order for signatures 1, 3, 4, 5.
 - Circular No. 2 (July 30), signatures 2 to 13, inclusive.
- Report of Chief Signal Officer:
- 27 signatures, 6,198 copies (October 17 and December 26).
 - 31 signatures, 7,377 copies (printed March 2, 1885).
 - Signature 48, 6,638 copies.
 - H. Mis. Doc. No. 69 (September 10), 47 signatures, 15,436 copies.
- International Code of Signals:
- 2 signatures, 32 copies.
- Engineer's Report:
- 19 signatures, 4,368 copies (sample sheets attached).
- Baird's Food Fishes:
- Order to print 250 copies on plates 83 and 84 and title page (February 17).
- Precious Metals:
- Order to print 29 copies of pages 286 and 295.
- Mineral Resources:
- 18 signatures, 1,845 copies (January 8, 1885).
- Louisiana Cases:
- Order to print 26 copies.
- Trade Guilds of Europe:
- Order to print title (August 31).

- Interior Department:
 - Circular No. 4, 4 signatures, 2,405 copies.
- Revised Statutes:
 - Volume 23 (October 23), 3 signatures, 260 copies.
- Marshall Eulogies:
 - 2 signatures, 156 copies.
- Agriculture:
 - Order to print 10,000 sheets of signature 9.
- Forestry:
 - 2 signatures, 7,589 copies.
- House Report:
 - 25 signatures, 3,329 copies (April 23, 1885).
- Labor in Europe:
 - Order on April 28.
- Powell's Fifth Annual:
 - 6 signatures, 945 copies.
- Digest of Pension Laws:
 - 2 signatures, 83 copies.
- Court of Claims:
 - Inquiry about jackets.
- *Geological Survey:
 - Volume 7, monograph; 2 signatures, 344 copies.
- Fishery Industry:
 - 57 signatures, 43,914 copies.
- *Statutes at Large:
 - Volume 23; 7 signatures, 426 copies.
- Report of Secretary of the Treasury:
 - 52 copies on title.
- *Report of Secretary of War:
 - H. R. Ex. Doc. 1, part 2 (48-2), 3,000 copies.
- Surgeon-General's Office:
 - Index Catalogue of Library; 62 signatures, 2,469 copies.
- Private Laws:
 - Passed first session of the Forty-eighth Congress; 3 signatures, 705 copies.
- *Chronological Notes (1834):
 - Order for 52 copies on signature 27.
- Plates:
 - Department of the Interior (Tenth Census, etc.).
- Miscellaneous:
 - Containing miscellaneous orders.

Title.	First printed.	Reprinted shortage.	Signatures.	Copies.
Senate Reports:				
Vol. 1, Forty-ninth Congress, first session.	July, 1886.....	June 1, 1888	3	740
Vol. 2, Forty-ninth Congress, first session.	.....do.....	June 2, 1888	5	900
Vol. 3, Forty-ninth Congress, first session.	January, 1886.....	Apr. 11, 1888	4	540
Senate Ex. Doc., vol. 7, Forty-ninth Congress, first session.	May and June, 1886.....		1	94
Report Commissioner of Education, 1883 and 1884.	February, 1886.....		68	9,944
Record Rebellion:				
Vol. 15.....	May, 1886.....		80	16,000
Vol. 16, part 1.....	June, 1886.....		19	2,531
Vol. 16, part 2.....	.....do.....		18	1,725
Vol. 17, part 1.....	July, 1886.....	May 27, 1888	3	168
Interstate Commerce, parts 1 and 2.	January, 1886.....		7	319
Powell's Fifth Annual Report.	July, 1886.....	Apr. 18, 1888	6	1,601
House Report, vol. 10, Forty-ninth Congress, first session.	June, 1886.....		1	80
Senate Report, vol. 4, Forty-ninth Congress, first session.	February, 1886.....	Mar. 7, 1888	2	86
Bulletin United States Fish Commission, House Mis. Doc. No. 34, Forty-ninth Congress, first session.	March, 1886.....		17	1,571
Report Chief of Engineers, 1885, part 3.	.....do.....		11	2,290
Senate Mis. Doc. No. 33, Smithsonian Report.	.....do.....		26	4,600
Senate Mis. Doc. No. 67, United States Fish Commission, 1883.	March, 1885.....	April, 1887...	35	7,875
Senate Mis. Doc. No. 68, United States Fish Commission, 1884.	.....do.....	.....do.....	40	7,400
Total signatures and copies.....			346	58,464

Signatures.	Copies.
1,325	401,009
346	58,464
1,671	459,473

Pages.....7,351,568

*These signatures and copies were found in the storage-room in the fall of 1887, and their reprinting was unnecessary.

This statement shows 1,671 signatures and 459,473 copies, equal to 7,561,568 pages of printed matter, and represents a waste of public money which is simply frightful. It is further developed in the proof that in very many instances where the signatures were supposed to be short by reason of imperfect count orders were given to have such deficit supplied by reprinting the required number. Afterwards it would be discovered that the proper number had really been printed at first, but had been mislaid or stored at some place with no mark or distinction, and that the reprinting of the supposed deficit was wholly unnecessary. Attention is called to the list, which shows the number unnecessarily reprinted, being already in print in the office. They are marked thus *. This old matter, when found, was useless. There was no law for binding it, and it was thrown into the waste. It shows a careless and reckless disregard of duty which can not be excused. The committee invite attention to the proof upon these points in the printed testimony.

The course pursued by the present Public Printer in regard to binding the reserve on all work ordered is different from that of his predecessor. He has changed the methods of the office, and he now electrotypes nearly all publications provided by law. The plates are preserved in vaults. A much larger proportion of the work is either stereotyped or electrotyped than formerly. The up-number for Congress is at first printed from electrotyping plates, and the plates are put away until the reserve number is needed. When the bindery is ready for the reserve, the plates are brought from the vaults, and the reserve number is printed. Not a sheet is printed until the office is ready to take it up and bind the volumes.

The advantages of this method are manifold. All the witnesses examined on this point agree. The committee copy from the testimony of the foreman of printing (H. T. Brian). He says (page 185), that the plan of stereotyping or electrotyping all forms, and not printing the reserve on Congressional documents until the bindery is ready for it, has been of vast benefit, convenience, and saving. He also states that without the facilities of the foundry the present volume of work on hand could not be satisfactorily met, and that the stereotype foundry is the most valuable adjunct they have. The following is from his testimony: "Q. Is the change from letter-press to electrotyping of great benefit?" "A. That is a great benefit. It is the best thing that Mr. Benedict has done, to have these forms electrotyped."

This is the testimony of Mr. Brian, the foreman of printing, who has been about twenty years in the office, nearly all the time as such foreman. He is very intelligent and knows all about the office. He says in his annual report to the Public Printer at the beginning of this Congress that—the plan of stereotyping or electrotyping all forms, and not printing the reserve on Congressional documents until the bindery is ready for it, has been of vast benefit and convenience and saving. It prevents a blockade of type; it saves the wear of the type; it prevents filling the store-rooms with an immense amount of printed matter months before it can be used, and saves many handlings of the same and much cost of hauling and storage. Besides, it relieves the press-room at a season when the demands upon it are the heaviest, and it gives work when otherwise it would be slack. The substitution of electrotyping for stereotyping in many cases has also resulted in much benefit, especially in job forms.

Such is the testimony of this witness, this expert, this old employé of the Printing Office, and, by the way, who is a Republican.

I set this evidence, given under oath, over against the speech on this floor of the gentleman from New York. A number of other witnesses testified substantially as did Mr. Brian on this subject.

In conclusion let me say, Mr. Chairman, that there has been no economy adopted by the present Public Printer which has proved to be of more value, according to the testimony of witnesses before the investigating committee, than this one of not printing the reserve until it is ready to be bound. I thank the committee for extending my time and permitting me to print the foregoing tables, and for the privilege of extending my remarks.

Mr. FARQUHAR. I wish to make one remark as to what may appear in the testimony taken before the investigating committee as to printing this "reserve." Now, whatever Mr. Brian or any one else in that Printing Office may say that this is economical, that it is better done, that it is right in the conduct of a printing office to print half the number and hold up the other half, any man who will say that does not know his business. I do not know of a single printing office in America which ever did State printing or otherwise that ever was guilty of such a piece of nonsense in printing.

Mr. RICHARDSON rose.

Mr. FARQUHAR. I do not yield to the gentleman. He has had his own time, and I am now speaking in my time. Here is one question on this point put to John G. Judd, of the firm of Judd & Detweiler (the most extensive printing house in the city), a man who has had fifty years' experience in the business, and he testifies as follows:

Q. The regular number on Congressional documents is about 1,900. On many of the forms in the Government Printing Office they work from the type what is called the up-number, which is in the vicinity of 900, and then lift and stereotype the form and put the plates back to press at some subsequent time, and print a thousand remaining copies for the reserve. What is your idea in regard to that plan as an economical proposition?

A. A man would be a fool to do it.

Q. How much longer would it take to print the full 1,900 than simply the up-number, 900?

A. It would be about three-quarters of an hour if everything was working properly.

Q. When the plates are put back to press, would it not take about that much time to start the press?

A. It would take three times that much.

I have run printing offices as long as Mr. Brian, and I would regard myself as most incompetent to take charge of any office, to run a press even, let alone taking charge of a printing office, if I should do any such thing.

The gentleman from Tennessee makes an apology for the Printing Office. But what are you going to do where they "reserve" half unprinted for three years, and the plates are left in the vault with not a tool put on them, not a sheet of paper provided to print them with, and the Departments looking for books and can not get them?

Mr. RICHARDSON rose.

Mr. FARQUHAR. Wait one minute. You found the whole "reserve" under Mr. Rounds printed up, according to your own testimony taken before your own committee.

Mr. RICHARDSON. If the gentleman will read the testimony he will find it does not bear him out.

Captain White, the efficient foreman of binding, stated when he was on the stand last that the office was 87,255 volumes nearer up with its work when he testified in May, 1888, than when the present Public Printer, Benedict, took charge of the office.

Mr. FARQUHAR. If the gentleman will examine the testimony he will find out that Mr. White backed out of his own testimony. It shows it was Rounds's printing, and that Benedict claimed to have done the work. All we want now is to provide for "reserve" work. It would be unfair to put a million of work over to Benedict's successor.

The CHAIRMAN. The gentleman's time has expired.

Mr. FARQUHAR. I ask to add the following table to my remarks:

Public printing and binding.

Years.		Amount.	Total appropriation.	Total estimates.
1884	Appropriation.....		\$2,500,000	\$2,961,949.36
1885	.....do.....		2,250,000	3,014,658.71
1886	.....do.....	\$2,250,000		2,676,107.62
	Deficiency.....	231,500		
			2,481,500	
1887	Appropriation.....	2,095,000		2,434,653.68
	Deficiency.....	85,000		
			2,180,000	
1888	Appropriation.....	2,122,000		2,427,047.41
	Deficiency.....	108,000		
			2,230,000	2,489,621.33
1889	Appropriation.....	2,218,000		
	Deficiency.....	63,000		
			2,281,000	
1890	In the bill.....		2,218,000	2,779,751.54

The question recurred on Mr. FARQUHAR's amendment.

The committee divided; and there were—ayes 63, noes 65.

Mr. FARQUHAR. No quorum.

The CHAIRMAN appointed as tellers Mr. FARQUHAR and Mr. O'FER-RALL.

The committee again divided; and the tellers reported—ayes 70, noes 89.

So the amendment was disagreed to.

The reading of the bill was then concluded.

Mr. RANDALL. The Delegate from Arizona [Mr. SMITH] was permitted to pass over an amendment which I now call up.

The Clerk read as follows:

After the word "eighty-eight," in line 17, on page 45, insert "including \$5,000, or so much thereof as may be necessary, for survey of the west boundary line of the White Mountain or San Carlos Indian reservation, in the Territory of Arizona."

The amendment was agreed to.

Mr. RANDALL. I move, on page 5, line 14, after the word "buildings," to insert "other than for life-saving stations and pier-head lights."

This is necessary because the Government does not need that the original provision should apply to sites for life-saving stations, for the reason that the life-saving stations do not need the title in fee but only for use and occupation.

The amendment was agreed to.

Mr. ENLOE. I now offer this amendment.

Mr. RANDALL. It was understood that the gentleman should have the right to submit an amendment to a preceding part of the bill.

The Clerk read as follows:

In line 21, page 40, before the word "persons," insert "dealers or pretended dealers in counterfeit money and other fraudulent devices for using the United States mails and."

Mr. ENLOE. Mr. Chairman, the amendment which I have offered relates to that portion of the bill which appropriates a fund for the employment of secret-service agents for the Government. This secret-service force is employed under the direction of the Secretary of the Treasury, and is restricted in its employment by the language used in the appropriation bill which makes provision for the force.

Now, sir, the object of this amendment is to direct the attention of the Department and to direct this force to be employed, when not engaged upon other work for the Treasury Department, in the detection of certain classes of persons in our large cities who are engaged in the business of advertising for sale counterfeit money. We see frequent reports in newspapers about persons who have gone to our large cities and been victimized by these sharpers.

It is purely a confidence game, punishable under the laws of the State, and is a matter for police regulation by the States. Nevertheless there is a provision in existing law, section 5480 of the Revised Statutes, which provides for the punishment of persons who send out letters through the mails with the intent to defraud, and in fact there has been one conviction under this section of the statutes before Judge Blatchford of persons indicted for this offense.

I received a letter from a constituent during the first session of the Fiftieth Congress, and have received others since then, calling attention to the fact that letters advertising for sale or offering to sell counterfeit money were being sent broadcast throughout the country, and asking to have the secret-service force of the Government set upon the track of these parties to detect them and bring them to justice.

When in response to those requests I went to the Secretary of the Treasury, or in his absence to the Assistant Secretary, and presented the matter to him, I was informed that there was no law authorizing the employment of the force for such purposes, and that additional legislation was needed. I went to the chief of the secret service, at that time Mr. James J. Brooks, and told him the facts. He informed me that his force of detectives was stationed in the large cities; that they were under constant pay from the Government, but were not constantly employed, and that if we could put some such provision as I have offered in the appropriation bill authorizing the employment of the force for this purpose it could be used to bring these parties to justice and secure their punishment. He informed me that there would be no difficulty in detecting them, and in fact stated that he knew of several persons himself who had been driven by the force out of the counterfeiting business, and who subsequently engaged in this occupation, known in the commercial parlance of the day as the "green-goods" business.

He mentioned the names of some who had made fortunes in the business, and among others named one Barney McGuire, of New York, a constituent, no doubt, of my friend who sits in front of me [Mr. CUMMINGS]. [Laughter.]

Mr. CUMMINGS. Has the gentleman been operating in Tennessee? Mr. ENLOE. And this man boasted to the detectives that he had gone out of a business where the secret service could interfere with him and had gone into a respectable business where they could not touch him.

It may be worth while to call attention to the thoroughly systematic methods of these swindlers. They take the commercial reports from Dunn's and Bradstreet's agencies and watch the ebb and flow of individual fortunes in the commercial world. They scan the leading newspapers of the country for notices of fires and other individual misfortunes. When misfortune befalls a merchant and his credit is impaired, when fire has destroyed the property of the citizen, or he is known from any cause to be in financial trouble, a letter, admirably framed to tempt him to dishonor, is mailed to him. A variety of such letters, adapted to every possible condition of financial distress, is kept in stock ready to be mailed immediately to those whose misfortunes might tempt them to resort to desperate and dishonest expedients in their effort to retrieve their fortunes.

These letters are frequently sent to country merchants, to country postmasters, and to farmers, always in the strictest confidence, and with strong protestations of the good faith of the writer, and the absolute security with which the addressee can deal with him. There are various terms used to avoid the use of the ugly words "counterfeit money," the most common one being "green goods," but the purpose to offer for sale counterfeits is always made plain enough. The assurance is generally given that the money is printed on plates stolen from the Government, and that it is so well executed that the experts can not tell it from genuine money.

If the "sucker" seems disposed to bite, and responds, they often make assurance doubly sure by sending one-half of a genuine bill as a sample to be submitted by the would-be purchaser, to bankers or other experts as a test. Of course it stands the tests, and frequently an order accompanied by the cash goes forward by mail, and the fool who sent it looks in vain for the tenfold or greater return which he has been promised. A criminal in intent and in conscience, he reflects in silence upon the experience he has purchased, and the "green-goods" dealer drops him from the list. This is the method of disposing of the small fry who have only a few dollars to invest. The larger "suckers" are always invited to visit the city, where the business can be conducted on a much more satisfactory basis, and with the assurance of greater bargains for the buyer. How often they find larger prey may be estimated from the number of exposures in the city press.

Since I began to investigate this matter about one year ago I have seen numerous notices in the daily papers of the more important victims of these men. The man who goes to the city to meet them is at their mercy and in their power. He is shown genuine bills, he buys them and gives his money in exchange, and the moment the trade is made they begin to operate on his fears of detection, arrest, and punishment, and in that way induce him to trust them to go with him to an express office so he can send it home and relieve himself of all danger. If he consents, a trick of changing the bag on him that contains the package is played, and he goes home to find a package exactly similar in size and appearance containing only waste paper. That completes his education.

If the purchaser has not lost all courage through his sense of guilt, and insists on keeping his hands on what he has bought, forcible methods are used, and he is either robbed on the spot or followed and robbed before he can get to his hotel, and Mr. Brooks assured me that he had reason to believe that men who resisted had been murdered to recover the money.

In August, 1885, I believe it was, James T. Holland, of Abilene, Tex., who had been decoyed to New York to buy "green goods," attempted to hold the money he had bought, and in the struggle over its possession he shot and killed Tom Davis, one of the men who had sold it to him. Hundreds of victims who had been robbed, says Mr. Brooks, had applied to the secret-service force in the Government employ for relief only to find that they had no authority to interfere, it being no violation of the Federal law and none of the business of the United States detectives to interfere. Where one makes complaint fifty will submit in silence rather than face exposure and disgrace.

Plain as this fraud is, the men engaged in it, through the use of the United States mail, are reaping a golden harvest from our 60,000,000 of people. Acting upon the best information I could get as to the remedy for this evil, I drew up a bill intended to cover this case, which passed the House and is now in the Senate, and while under the provisions of the law previously mentioned many convictions may be had, yet if that bill passes the Senate, as I am quite certain it will pass, there will be a great many more convictions, and we may reasonably hope that this business will ultimately be entirely suppressed.

Here is the full text of the bill as it passed the House:

An act to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails.

Be it enacted, etc., That any person who shall knowingly deposit, or cause to be deposited, in any post-office, letter-box, or other receptacle for the United States mail, any letter, circular, or other communication addressed to any other person, offering, or proposing to sell, give, deliver, or transfer, to any person, any imitation of any coin, bill, note, bond, or other security of the United States, or bank notes, shall be deemed guilty of a felony, and upon conviction thereof shall be punishable by a fine of not more than \$1,000, and by imprisonment at hard labor for not more than three years.

I am not disposed, sir, to sympathize with the more intelligent victims of the men who are connected with this business, but the only way to break it up is to take some such vigorous steps as I have indicated, for while I think, as a matter of fact, these parties ought to be punished by the local tribunals, yet this is not often done because the victimized parties are afraid to invoke the aid and protection of the law which they have themselves violated. I hope the amendment will be adopted.

Mr. CUMMINGS. May I ask the gentleman a question before he takes his seat?

Mr. ENLOE. Certainly.

Mr. CUMMINGS. I would like to ask if the gentleman has ever been victimized by Barney McGuire. [Laughter.]

Mr. ENLOE. I will state that I have not been; but the day after I introduced a bill on this subject I received a proposition from an enterprising constituent of my friend offering to make me the agent of the concern in Congress. [Laughter.] I have a letter here from him which contains the usual flattering inducements.

Mr. CUMMINGS. I think it was offered probably because he knew who he was dealing with. [Laughter.]

Mr. ENLOE. No, he probably knew my immediate associates. [Renewed laughter.]

The amendment of Mr. ENLOE was adopted.

Mr. RYAN. Mr. Chairman, in connection with the provision for the Signal Office, I desire to have a letter printed in the RECORD which relates to an item in the bill for that bureau.

There was no objection.

The letter referred to is as follows:

WASHINGTON CITY, January 24, 1889.

SIR: I have the honor to suggest that an item be inserted in the sundry civil bill, now pending, to read as follows:

"For expenses of equipping and maintaining meteorological stations in the West Indies or contiguous points, in connection with the announcement of hurricanes on the Atlantic and Gulf coasts of the United States, \$1,000." In connection with this item, I have the honor to say that the very great value and necessity for such stations are obvious to every one who has examined the question of West India hurricanes.

If the announcement of advancing hurricanes could be made several days in advance, it would prevent coasting vessels sailing from Boston, New York, Baltimore, and New Orleans southward or for the West Indies until the danger had passed.

I inclose charts showing the passage of the violent hurricane of November 23-28, 1888, from which you will see that the center of this very violent storm was over the Windward Isles on November 23, just six days before it reached the southern coast of New England.

The West India hurricane stations enabled this office in 1882 to give warning several days in advance of the violent hurricanes of September 3-12 and of October 6-12.

The violent storms of these two months did an enormous amount of damage, but it was estimated that the value of vessels and property detained in port by the warning issued by this office averaged many millions of dollars in each case, being variously estimated at from \$15,000,000 to \$23,000,000 in the aggregate.

The present inclosures relative to the late severe hurricanes emphasize the importance of this class of observations.

I have said in the draught submitted "West Indies and contiguous points" for the reason that the British Government strongly talks of laying a submarine cable from Bermuda to Halifax, and when the contemplated telegraphic communication is had with Merida, Yucatan, reports therefrom will greatly benefit the shipping interests of the cities of New Orleans, Mobile, Galveston, and other ports on the Gulf coast of the United States.

The amount formerly spent for this service was \$4,000, but it was refused and the whole work abandoned when Congress required this office to submit itemized estimates for appropriations.

I am, very respectfully, your obedient servant,

A. W. GREELY,
Chief Signal Officer.

Hon. THOMAS RYAN,
Chairman Subcommittee on Appropriations,
House of Representatives.

Mr. CANNON. I wish to offer the amendment I send to the desk as a new section.

The Clerk read as follows:

Customs service; expenses of collecting the revenue from customs: To defray the expense of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year 1890, \$250,000, or so much thereof as may be necessary.

The CHAIRMAN. Where does the gentleman want this to come in?

Mr. CANNON. At the end of the bill.

Mr. RANDALL (to Mr. CANNON). Do you want to be heard?

Mr. CANNON. Unless you will admit it.

Mr. RANDALL. I can not do that.

Mr. CANNON. Then I send this telegram to the desk to be read.

The Clerk read as follows:

TREASURY DEPARTMENT, January 29, 1889.

Hon. SAMUEL J. RANDALL,

Chairman of the Committee on Appropriations:

In reply to your telegram of yesterday I have to state that upon the basis of receipts and expenditures of the customs service for the current fiscal year it is estimated that an additional appropriation of \$250,000 will be required to defray the expense of collecting the revenue from customs for the fiscal year ending June 30, 1890.

C. S. FAIRCHILD, Secretary.

Mr. CANNON. Now, Mr. Chairman, why wait for a deficiency? The appropriation for collecting the customs revenues is five or five and a half million, I believe.

Mr. RANDALL. Five and a half million.

Mr. CANNON. Now, then, for several years it has been necessary to make an appropriation in addition to the permanent appropriation. In 1885 there was appropriated \$277,000; in 1886, \$230,000, and in 1888, \$450,000. For the current year of 1889 the estimate formally transmitted and carried by this bill and appropriated was \$450,000. By some oversight there was no estimate transmitted in the regular Book of Estimates for this additional amount. It was called to the attention of the Secretary of the Treasury through the committee by the gentleman from Pennsylvania, and the Secretary very promptly telegraphs and says, as I have just read, that it would take \$250,000 to pay the expense of collecting the revenues for the coming year, in his opinion, over and above the permanent appropriation, and then that will be \$200,000 less than was spent last year, and less than was appropriated for this year.

Mr. RANDALL. Mr. Chairman, a telegram was sent to the Secretary by me as chairman of the Committee on Appropriations on the request of the gentleman from Illinois, who properly sought for information; but the Secretary has never transmitted any formal estimate to this House. Therefore the Committee on Appropriations were without any estimate; and of course should they have anticipated this matter it would have been a violation of the rule and a violation of the law perhaps. But now that the Secretary has ascertained that this amount is necessary, why, I take it for granted that he will send in a formal estimate to this House, and then it can be considered in connection with the deficiency bill. Really the committee have had no opportunity whatever to examine as to the amount; but, on the contrary, we have gone along in that committee as though there was to be no deficiency for the year ending June 30, 1890. When the committee shall have had an opportunity upon a formal estimate—not upon a telegram exactly—it can be considered by the committee in connection with the bill providing for deficiencies, and the gentleman from Illinois is a member of that subcommittee.

Mr. CANNON. If the gentleman will allow me, it is not a deficiency—

Mr. RANDALL. I know it is not now a deficiency.

Mr. CANNON. On the contrary, we appropriated \$450,000 for the current year.

Mr. RANDALL. There is no deficiency, but there was no estimate at all. It is true we have a telegram from the Secretary to that effect, but where does that show that there will be a deficiency?

Mr. LONG. It is not a deficiency.

Mr. RANDALL. It would be a deficiency next year.

Mr. CANNON. Oh, no.

Mr. RANDALL. It is to make an appropriation for an amount greater than the permanent law gives, and the matter ought to be examined.

Mr. LONG. How can you have a more formal estimate than the telegram gives?

Mr. RANDALL. We have never had a single opportunity to examine anything about it in the committee. This telegram came yesterday evening, did it not?

Mr. CANNON. I received it this morning. An inquiry was made several days ago. The reason the telegram was sent, as I stated before, was that in the last year there was a deficiency, or rather an additional appropriation, of \$450,000. It was not made in this bill or one similar to it. "For the services of the current year, \$440,000" —

Mr. RANDALL rose.

Mr. CANNON. Now, if the gentleman will allow me to complete right there. This is for \$250,000. If that be given, we have \$200,000 less than the amount spent last year, and \$200,000 less than is appropriated for this year. I am perfectly confident that the amount will be required for the service for the next year, and I think it is proper

and right now to step in and appropriate according to the estimate as furnished by the telegram.

Mr. RANDALL. I want to correct a statement that I made in connection with this matter. I said that no estimate had been received. I have since been advised by the Speaker of the House that he received one this morning, and that in due course it will come to the Committee on Appropriations.

Mr. CANNON. But it belongs upon this bill, and I want to put the whole amount in the sundry civil bill.

Mr. RANDALL. I have not had any opportunity to examine it.

Mr. LONG. If that be the case, we can not know any more about it than we do on that telegram. The fact is, there is a permanent appropriation of \$5,500,000 for collecting the customs revenue. For the last four years that has not been enough, and every year we have been requested to appropriate an additional amount of two hundred or three hundred thousand dollars in the deficiency bill, and last year it was \$450,000. Thus we know, not only from our former experience, but from the telegram that we have received from the Secretary of the Treasury, as well as from the estimate which he has sent, and which the Speaker received this morning, that the \$5,500,000 will not be enough. He has informed us that \$250,000 are necessary, and it is mere child's play not to make the appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and there were—ayes 63, noes 72.

Mr. RANDALL (to Mr. CANNON). It can come in as an independent proposition hereafter.

Mr. CANNON. It will come in on the deficiency next year.

Mr. RANDALL. I move that the committee now rise and report the bill with the amendments favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, and had directed him to report the same to the House with sundry amendments.

Mr. RANDALL. I demand the previous question upon the amendments and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon these amendments?

Mr. RANDALL. I had intended to ask separate votes on several of the amendments, but as they are quite numerous and as the hour is so late, I am willing that the vote shall be taken upon them in gross.

The SPEAKER. If no separate vote is demanded on any amendment, the question is on agreeing to the amendments in gross.

The amendments were agreed to.

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

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MCADOO. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole—

Mr. DUNN. Mr. Speaker, I desire to present a report. I ask the gentleman to yield to me.

Mr. MCADOO. Being recognized, I will yield to the gentleman from Arkansas.

Mr. TOWNSHEND. Mr. Speaker, I desire to present a privileged report.

The SPEAKER. The gentleman from New Jersey [Mr. MCADOO] has yielded to the gentleman from Arkansas [Mr. DUNN] to present a report which he desires to have recommitted.

ALASKA SEAL AND SALMON FISHERIES.

Mr. DUNN. Mr. Speaker, I am directed by the Committee on Merchant Marine and Fisheries to submit a report on the investigation heretofore ordered by the House in relation to the fur-seal and other fisheries of Alaska, accompanied by a bill (H. R. 12432), and to ask unanimous consent that the bill, the report, and the evidence be printed and recommitted to the Committee on the Merchant Marine and Fisheries, with leave to report at any time, and also that the bill and report, without the evidence, be printed in the RECORD.

There was no objection, and it was so ordered.

Mr. HOLMAN. How much time is that likely to occupy in the House?

Mr. DUNN. That is impossible to tell.

The bill and report are as follows:

A bill to amend section 1963 of the Revised Statutes and to provide for the better protection of the fur-seals and salmon fisheries of Alaska, and for other purposes.

Be it enacted, etc., That section 1963 of the Revised Statutes of the United States be amended so as to read as follows:

SEC. 1963. Within one year prior to the time when the lease heretofore made

by the Secretary of the Treasury to "The Alaska Commercial Company," of the right to engage in taking fur-seals on the islands of St. Paul and St. George, pursuant to the act of July 1, 1870, chapter 189, or when any future similar lease expires, or is surrendered, forfeited, or terminated, the Secretary of the Treasury shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in the trade and the protection of the fisheries, the right of taking fur-seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seals, for the term of twenty years, at an annual rental of not less than \$50,000, to be reserved in such lease and secured by a deposit of United States bonds to that amount; and the additional sum of not less than \$3.50 for each fur-seal skin taken and shipped from the islands of St. Paul and St. George, during the continuance of any lease, to be paid into the Treasury of the United States, and every such lease shall be duly executed in duplicate, and shall not be transferable; and the Secretary of the Treasury is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the natives of those islands, and also to carry into full effect all the provisions of this chapter except as otherwise prescribed. And he shall give at least sixty days' notice of the letting of said lease by publication in at least one daily paper published in the cities of Boston, New York, Philadelphia, Baltimore, Washington, Chicago, New Orleans, St. Louis, and San Francisco, inviting bids for the same.

SEC. 2. That section 1956 of the Revised Statutes of the United States was intended to include and apply, and is hereby declared to include and apply, to all the waters of the Behring Sea in Alaska embraced within the boundary lines mentioned and described in the treaty with Russia, dated March 30, A. D. 1867, by which the Territory of Alaska was ceded to the United States; and it shall be the duty of the President, at a timely season in each year, to issue his proclamation and cause the same to be published for one month in at least one newspaper published at each United States port of entry on the Pacific coast, warning all persons against entering said territory and waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons, and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein.

SEC. 3. That section 1969 of the Revised Statutes of the United States be, and the same is hereby, repealed.

SEC. 4. The erection of dams, barricades, or other obstructions in any of the rivers of Alaska with the purpose or result of preventing or impeding the ascent of salmon or other anadromous species to their spawning grounds, is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to establish such regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than \$250 for each day of the continuance of such obstruction.

SEC. 5. The Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with the view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries, and placing them under regular and permanent conditions of production.

Mr. DUNN, from the Committee on the Merchant Marine and Fisheries, submitted the following report:

The committee was directed to "investigate the fur-seal fisheries of Alaska, and all contracts or leases made by the Government with any person or companies for the taking of fur-seals or other fur-bearing animals in Alaska; the character, duration, and condition of such contracts or leases; and whether and to what extent the same have been enforced and complied with or violated; the receipts therefrom, and the expenses incurred by the Government on account of any such contract or leases; and to fully investigate and report upon the nature and extent of the rights and interests of the United States in the fur-seal and other fisheries in the Behring Sea in Alaska; whether and to what extent the same have been violated, and by whom; and what, if any, legislation is necessary for the better protection and preservation of the same."

FIRST, AS TO THE SEAL FISHERIES.

The fur-seal rookeries of Alaska are located on the Pribylov group of islands, situate near the center of that part of Behring Sea lying within the boundary of the territory ceded by the Emperor of Russia to the United States.

The island of St. Paul has an area of 33 square miles, and St. George 27 square miles.

Lieutenant Maynard, United States Navy, who was detailed by the Secretary pursuant to the act of April 23, 1874, to inquire into the condition of the seal fisheries in Alaska, in his report says (Executive Document No. 43, first session Forty-ninth Congress):

"They (the seal islands) are enveloped in summer by dense fogs through which the sun rarely makes its way, and are surrounded in winter by fields of ice, driven down from the Arctic by northern gales. They have no sheltered harbors, but slight indentations in the shore-line afford a lee for vessels and a tolerable landing-place for boats in certain winds. The shores are bold and rocky, with strips of sand-beach and slopes covered with broken rocks at intervals between the cliffs, and the interior of both is broken and hilly; neither tree nor shrub grows upon them, but they are covered with grass, moss, and wild flowers. For nearly one hundred years fur-seals have been known to visit them annually in great numbers for the purpose of bringing forth and rearing their young, which circumstance gives them no inconsiderable commercial importance. The seals occupy the islands from the breaking away of the ice in the spring until it surrounds them again in the early winter; that is, from about the middle of May until December."

It is further shown by the testimony before the committee that on their return to the islands after their temporary absence during the winter these animals generally select the locations on the rookeries which they had formerly occupied. It appears, too, that all the Alaska fur-seals are born on these islands, that they are distinct animals, and have none of the characteristics of fish, and will drown in the water until they are taught to swim by their elders.

In former years fur-seals were found in great numbers on various islands of the South Pacific Ocean; but after a comparatively short period of indiscriminate slaughter the rookeries were deserted, the animals having been killed or driven from their haunts; so that now the only existing rookeries are those in Alaska, another in the Russian part of Behring Sea, and a third on Lobos Island, at the mouth of the river Plate, in South America.

All these rookeries are under the protection of their several governments.

The best estimate as to the number of these animals on the Alaska rookeries places it at about four millions; but a marked diminution of the number is noticed within the last two or three years, which is attributed by the testimony to the fact that unauthorized persons during the summers of 1886, 1887, and 1888 had fitted out expeditions and cruised in Alaskan waters, and by the use of firearms destroyed hundreds of thousands of these animals, without regard to age or sex.

The law prohibits the killing of fur-seals in the Territory of Alaska or the waters thereof, except by the lessee of the seal islands, and the lessee is permitted to kill during the months of June, July, September, and October only;

and is forbidden to kill any seal less than one year old, or any female seal; "or to kill such seals at any time by the use of fire-arms, or by other means tending to drive the seals away from those islands." (Rev. Stat., sec. 1960.)

Governor Simpson, of the Hudson Bay Company, in his "Overland Journey Round the World," 1841-42, page 130, says:

"Some twenty or thirty years ago there was a most wasteful destruction of the seal, when young and old, male and female, were indiscriminately knocked in the head. This imprudence, as any one might have expected, proved detrimental in two ways. The race was almost exterminated; and the market was glutted to such a degree, at the rate for some time of 200,000 skins a year, that the prices did not even pay the expenses of carriage. The Russians, however, have now adopted nearly the same plan which the Hudson Bay Company pursues, in recruiting any of its exhausted districts, killing only a limited number of such males as have attained their full growth, a plan peculiarly applicable to the fur-seal, inasmuch as its habits render a system of husbanding the stock as easy and certain as that of destroying it."

In the year 1800 the rookeries of the Georgian Islands produced 112,000 fur-seals. From 1806 to 1823, says the Encyclopedia Britannica, "the Georgian Islands produced 1,200,000 seals, and the island of Desolation has been equally productive." Over 1,000,000 were taken from the island of Mas-a-fuera and shipped to China in 1798-'99.—*Fanning's Voyages to the South Sea*, page 299.

In 1820 and 1821 over 300,000 fur-seals were taken at the South Shetland Islands, and Captain Weddell states that at the end of the second year the species had there become almost exterminated. In addition to the number killed for their furs, he estimates that "not less than 100,000 newly-born young died in consequence of the destruction of their mothers."—See *Elliott's Report*, 1884, page 118.

In 1830 the supply of fur-seals in the South Seas had so greatly decreased that the vessels engaged in this enterprise "generally made losing voyages, from the fact that those places which were the resort of seals had been abandoned by them."—*Fanning's Voyages*, page 487.

At Antipodes Island, off the coast of New South Wales, 400,000 skins were obtained in the years 1814 and 1815.

Referring to these facts, Professor Elliott, of the Smithsonian Institution, in his able report on the seal islands, published by the Interior Department in 1884, says:

"This gives a very fair idea of the manner in which the business was conducted in the South Pacific. How long would our sealing interests in Behring Sea withstand the attacks of sixty vessels carrying from twenty to thirty men each? Not over two seasons. The fact that these great southern rookeries withstood and paid for attacks of this extensive character during a period of more than twenty years, speaks eloquently of the millions upon millions that must have existed in the waters now almost deserted by them."

Mr. R. H. Chapel, of New London, Conn., whose vessels had visited all the rookeries of the South Pacific, in his written statement before the Committee on Commerce of the House of Representatives, said:

"As showing the progress of this trade in fur-seal skins and the abuses of its prosecution, resulting in almost total annihilation of the animals in some localities, it is stated on good authority that from about 1770 to 1800 Kerguelen's Land, in the Indian Ocean, yielded to the English traders over one million skins; but open competition swept off the herds that resorted there, and since the latter year hardly one hundred per annum could be obtained on all its long coasts. Afterward Mas-a-fuera Island, near Juan Fernandez, was visited, and fifty thousand a year were obtained; but, as every one that desired was free to go and kill, the usual result followed—the seals were exterminated at that island, and also at the Galapagos group, near by.

"Falkland and Shetland Islands, and South American coasts, near Cape Horn, came next in order; here the seals were very abundant. It is stated that at the Shetlands alone one hundred thousand per annum might have been obtained and the rookeries preserved, if taken under proper restrictions; but in the eagerness of men they killed old and young, male and female; little pups a few days old, deprived of their mothers, died by thousands on the beaches, carcasses and bones strewed the shores, and this productive fishery was wholly destroyed. It is estimated that in the years 1821 and 1822 no less than three hundred and twenty thousand of these animals were killed at the Shetlands alone. An American captain, describing in after years his success there, says: 'We went the first year with one vessel and got twelve hundred skins; the second year, with two vessels, and obtained thirty thousand; the third year, with six vessels, getting only seventeen hundred—all there was left.'

"A small rookery is still preserved at the Lobos Islands, off the river Plate; this, being carefully guarded under strict regulations by the government of Buenos Ayres, and rented to proper parties, yields about five thousand skins per annum. As late as the year 1851, a small island, hardly a mile across, was discovered by Americans in the Japan Sea, where about fifty thousand seals resorted annually. Traders visited it, and in three years the club and knife had cleaned them all off; not one hundred a season can now be found there."

In the annual report of Secretary McCulloch for 1868 he says:

"The protection of the fur-bearing animals is a matter of importance hardly to be overrated. In consequence of information received last spring, the captain of the Wayanda was directed to visit, as early in the season as practicable, the islands in Behring Sea, where the fur-seal chiefly abounds. On his arrival at St. Paul's and St. George's Islands, he found there several large parties engaged in hunting the animals indiscriminately and in traffic with the natives in ardent spirits and other forbidden articles. Quarrels had arisen and the natives complained that the reckless and unskillful movements of the new hunters had already driven the animals from some of their usual haunts. The captain of the cutter instituted such measures as he felt authorized to institute for the maintenance of the peace and the protection of the animals from indiscriminate slaughter.

"The preservation of these animals by the observance of strict regulations in hunting them is not only a matter of the highest importance in an economical view, but a matter of life or death to the natives. Hitherto seals have been hunted under the supervision of the Russian company, and exclusively by the natives, who are trained from children to that occupation, and derive from it their clothing and subsistence. They have been governed by exact and stringent rules as to the time of hunting and the number and kind of seals to be taken. * * * The United States can not, of course, administer such a trade as a Government monopoly, and the only alternative seems to be to grant the exclusive privilege of taking these animals to a responsible company for a series of years, limiting the number of skins to be taken annually by stringent provisions. A royalty or tax might be imposed upon each skin taken, and a revenue be thus secured sufficient to pay a large part of the expense of the Territory."

Hon. C. A. Williams, of New London, Conn., one of the principal shareholders in the Alaska Commercial Company, who has been engaged in the business of whaling and seal-hunting as the successor of his father and grandfather in that pursuit, was called before the committee and testified to facts from his own experience and that of his house. He said:

"The history of sealing goes back to about 1790, and from that to the early part of this century.

"In the earlier period of which I speak there were no seals known in the North Pacific Ocean. Their particular haunt was the South Atlantic. They were discovered by Cook in his voyages, on the island of Desolation, by Weddell, in his voyages to the South Pole, on the island of South Georgia and Sandwichland, and by the later voyagers, whose names escape me, in the islands of

the South Pacific Ocean. When the number of seals on those islands were first brought to the notice of British merchants they pursued the hunting of these animals on the island of Desolation.

"The most authentic authority we have about the matter is derived from reports made by these voyagers as to the number of seals taken from those places, and although they are not entirely accurate, I think they are fully as accurate as could be expected, considering the lapse of time. On the island of Desolation it is estimated that 1,200,000 fur-seals were taken; from the island of South Georgia a like number were taken, and from the island of Mas-a-fuera probably a greater number were taken. As to the Sandwichland the statistics are not clear, but there can be no doubt that over half a million seals were taken from that locality, and in 1820 the islands of South Shetland, south of Cape Horn, were discovered, and from these islands 320,000 fur-seals were taken in two years. There were other localities from which seals were taken, but no others where they were found in such large numbers. The market for fur-seals in those days was China. The trade which the British and Americans had with China was very much against them because of the high rates of exchange upon the coin.

"In the trade with China some exchangeable medium was necessary, and they found in the fine furs of various kinds, particularly the fur-seal and sea-otter, a good medium of exchange. These skins of which I have spoken were sent mostly to China, although some portions went to England and France and Germany, and were exported from there to Russia. They were used in the manufacture of caps and capes and small articles of that character. The Chinese used them for lining garments and making dresses of luxury and comfort for their mandarins. The market price for these skins in China, as nearly as can be found now, was \$4 to \$6, but it often happened that when there was a large quantity in the market, the price of skins was depressed, so that they would bring scarcely 50 cents apiece. Captain Delano carried a cargo of 38,000 skins to China and sold them for \$16,000, which shows the result of a depressed market, and the uncertainty of all ventures of that sort. The trade went on until these localities were all exhausted of their fur-bearing animals. Then the trade went into a state of desuetude, and was ended. There were a few skins brought in from the Cape of Good Hope occasionally, but I do not think they averaged a thousand skins a year from all these places.

"The cause of the extermination of seals in those localities was the indiscriminate character of the slaughter. Sometimes as many as fifteen vessels would be hanging around these islands awaiting opportunity to get their catch, and every vessel would be governed by individual interests. They would kill everything that came in their way that furnished a skin, whether a cow, a bull, or a middle-grown seal, leaving the young pups just born to die from neglect and starvation. It was like taking a herd of cattle and killing all the bulls and cows and leaving the calves. The extermination was so complete in these localities that the trade was exhausted, and voyages to those places were abandoned. About 1870, nearly fifty years after the discovery of the South Shetland Islands, when the occupation of Alaska by the cession of Russia to the United States of the Behring Sea was brought about—

"The CHAIRMAN. I want to interrupt you to ask a question bearing on that point. Were those rookeries in the South Seas never under the protectorate of any government at all?

"The WITNESS. Never. I was going to say that when the cession was made by Russia to the United States of this territory, and the subject of the value of fur-seals, or the possible value, was brought to mind, people who had been previously engaged in that business revisited these southern localities, after a lapse of nearly fifty years, and no seals were found on the island of Desolation. These islands have been used as the breeding place for sea-elephants, and that creature can not be exterminated on that island, for the reason that certain beaches known as 'weather beaches' are there. The sea breaks rudely upon these beaches, and it is impossible to land upon them. There are cliffs, something like 300 to 500 feet, of shore ice, and the sea-elephant finds a safe resort on these beaches, and still preserves enough life to make the pursuit of that animal worth following in a small way.

"I have vessels there, and have had, myself and father, for fifty or sixty years. But this is incidental. The island of South Shetland, and the island of South Georgia, and the island of Sandwichland, and the Diego or Cape Horn, and one or two other minor points were found to yield more or less seal. In this period of fifty years in these localities seal life had recuperated to such an extent that there were taken from them in the six years from 1870 to 1876, or 1877, perhaps 40,000 skins.

"Q. After they had been abandoned for fifty years?

"A. Yes; to-day they are again exhausted. The last year's search of vessels in that region—I have the statistics here of a vessel from Stonington from the South Shetland Islands, reported in 1888, and she procured thirty-nine skins as the total result of search on those islands and South Georgia.

"One of my own vessels procured sixty-one skins, including eleven pups, as the total result of her voyage; and, except about Cape Horn, there are, in my opinion, no seals remaining. I do not think that one hundred seals could be procured from all the localities mentioned by a close search. Any one of those localities I have named, under proper protection and restrictions, might have been perpetuated as a breeding place for seals, yielding as great a number per annum as do the islands belonging to the United States.

"Now, the trade in those localities is entirely exhausted, and it would be impossible in a century to restock those islands, or bring them back to a point where they would yield a reasonable return for the investment of capital in hunting skins. That, in brief, completes the history of the fur-seal in the South Atlantic Ocean."

DANGER OF THE EXTERMINATION OF THE ALASKA ROOKERIES.

We have already mentioned that the present number of seals on St. Paul and St. George Islands has materially diminished during the last two or three years. The testimony discloses the fact that a large number of British and American vessels, manned by expert Indian seal-hunters, have frequented Behring Sea and destroyed hundreds of thousands of fur-seals by shooting them in the water and securing as many of the carcasses for their skins as they were able to take on board. The testimony of the Government agents shows that of the number of seals killed in the water not more than one in seven, on an average, is secured, for the reason that a wounded seal will sink in the sea. So that for every thousand seal-skins secured in this manner there is a diminution of seal life at these rookeries of at least seven thousand. Added to this is the fact that the shooting of a female seal with young causes the death of both. If the shooting is before delivery that, of course, is the end of both; if after, the young seal dies for want of sustenance.

During the season of 1885 the number of contraband seal-skins placed on the market was over 13,000; and in 1886, 25,000; in 1887, 34,000; and in 1888 the number of illicit skins secured by British cruisers was less than 25,000, which number would have been largely increased had not the season been very stormy and boisterous. American citizens respected the law and the published notice of the Secretary of the Treasury, and made no attempt to take seals.

From this it appears that, during the last three years, the number of contraband seal-skins placed on the market amounted to over 97,000, and which, according to the testimony, destroyed nearly three-quarters of a million of furs, causing a loss of revenue amounting to over \$2,000,000 at the rate of tax and rental paid by the lessee of the seal islands.

SECOND, AS TO THE CONTRACT OR LEASE.

The only contract or lease made by the Government with any persons or companies for the taking of fur-seals or other fur-bearing animals in Alaska

was a lease of the right to take fur-seals for their skins for a period of twenty years from May 1, 1870, on the islands of St. Paul and St. George, to the Alaska Commercial Company of San Francisco; for which privilege said company agreed to pay to the United States a rental of \$55,000 per annum, and a revenue tax or duty of \$2.62 per skin taken and shipped from the islands; to furnish to the inhabitants of said islands free of charge 2,500 dried salmon annually, 60 cords of fire-wood, a sufficient quantity of salt, and a sufficient number of barrels for preserving the necessary supply of meat; to maintain a school on each island for the education of the natives for a period of not less than eight months in each year.

To secure the payment of the rental a deposit of \$50,000 in United States bonds is required, and for the complete performance of the covenants of the lease by the lessee a bond in the sum of \$50,000 is exacted.

The lessee is permitted to kill 100,000 fur-seals on St. Paul and St. George Islands and no more; and is prohibited from killing any female seal or any seal less than one year old, and from killing any fur-seal at any time except during the months of June, July, September, and October, and from killing such seals by the use of fire-arms or other means tending to drive the seals from said islands; and from killing any seal in the water adjacent to said islands, or on the beaches, cliffs, or rocks, where they haul up from the sea to remain.

THIRD. THE AWARD AND EXECUTION OF THE LEASE.

In reference to the letting of this contract your committee have carefully examined the evidence submitted to the House of Representatives by the Committee on Ways and Means at the first session of the Forty-fourth Congress, accompanying the report of said committee made thereon, pursuant to direction of the House—

"To examine into and report whether said lease was made and executed in pursuance of law; and whether said lease as made was to the best advantage of the United States, according to the offers of the bidders."

As the result of that investigation the Committee on Ways and Means reported that—

"The correspondence between the Secretary of the Treasury and the bidders and the Treasury Department, together with the contract as made, may be found in Executive Document, first session Forty-first Congress, No. 108. The committee in considering the question whether the award to the Alaska Commercial Company was made to the best advantage of the United States, have been obliged to consider, first, whether, admitting that a more favorable offer in money had been made by others, the Treasury Department could have omitted to respect the clear and palpable discrimination in favor of that company by the act of Congress.

"The action of the Secretary, based upon opinions of his official legal advisers, appears to conclude this question in the negative. It is very evident that no new and inexperienced parties in the business, unprovided with the necessary capital, implements, and knowledge, could have complied with the requirements of the law, which had to be incorporated into the contract itself. In order to preserve the fur-seals from total annihilation, as has been done in the South Pacific Ocean, and indeed everywhere except on a small island belonging to Peru and two small islands belonging to Russia, none but experienced, judicious, and cautious parties should have been intrusted with the privilege of killing them. The old fur-seal fisheries have been destroyed by the foolish avarice of those who had access to the seals, who, in their thirst for large immediate gains, have killed in excess of the proper number each season, which led to the eventual extermination of the seals at these points.

"It does not appear that either of the parties who put in bids for this lease had had any experience of the business or were provided with the necessary facilities for the faithful execution of the lease had it been awarded to them, except the Alaska Commercial Company, who were the successors of Hutchinson, Kohl & Co., and in possession of the business at that time, with persons in its employment of skill and experience, and which was composed of capitalists of conceded strength and high character. If the lease had been made with any firm or company who had failed in its execution, or who had proved faithless to the obligations incurred, the loss to the Treasury might have proved very serious in the extermination of the seals and the loss of the large revenue now being derived therefrom, and likely to be continued for many years to come, under the present management. * * *

"In conclusion they concur in the opinion that the lease with the Alaska Commercial Company was made in pursuance of the law; that it was made in the interest of the United States and properly granted to the Alaska Commercial Company; that the interest of the United States was properly protected in all the requirements of the law, and that the lessees have faithfully complied with their part of the contract."

This report was adopted by the House, and your committee, after a full consideration of the testimony on which it rests, found no sufficient reason for reviewing the action of said committee and the House in the premises.

No testimony has been presented to your committee, nor any intimation that testimony existed other than that taken by that committee, that would conflict with that conclusion.

FOURTH. THE PERFORMANCE OF THE CONTRACT BY THE LESSEE.

All the witnesses concur in the statement that the Alaska Commercial Company has fully performed the covenants and stipulations of said contract, and observed the law and regulations prescribed by the Secretary of the Treasury relating thereto.

It further appears from the testimony that in addition to the requirements of the lease, the lessee has contributed liberally to the welfare, comfort, and prosperity of the native inhabitants of the islands; it has built a comfortable house for each family on both islands, for which it charges no rent; provided stoves free of charge, and maintains a physician on each island all the year at its own cost, and provides medical attendance and medicines to the natives without charge, and maintains and supports the native widows and orphans.

The native laborers receive 40 cents for removing each seal-skin, or \$40,000 for the catch of 100,000 seals, and are paid \$1 per day while engaged at other labor. In 1887 they had on deposit to their credit in San Francisco, drawing interest, the sum of \$64,732.11, and other natives of the Aleutian chain have been induced to accumulate savings amounting to \$29,396.17.

Goods and merchandise are supplied by the company at an advance of 25 per cent. above San Francisco wholesale prices.

Their chief article of food is seal-meat, which costs them nothing; dried salmon are furnished by the company under its contract, and as they pay no rent and their fuel is free, their living expenses are but little. (See further Appendix A hereto.)

FIFTH. THE RECEIPTS AND EXPENSES OF THE GOVERNMENT ON ACCOUNT OF SAID CONTRACT.

The total amount paid by the lessee on account of said contract up to June 30, 1888, inclusive, was \$5,597,100. The total amount expended by the Government during the same period was about \$200,000 for salaries and traveling expenses of agents of the Treasury Department at the seal islands, and about \$150,000 for the revenue-cutters cruising Alaskan waters.

To the amount already received direct from the company should be added the sum received by the United States from customs duties on Alaska dressed seal-skins imported from Europe, amounting to \$3,425,000, to which should be added the sum of \$502,000 customs duties on imported seal-skins taken by said company under its contract with Russia, making an aggregate amount received by the Government on account of this industry of \$9,525,283, being \$2,325,283 in excess of the amount paid to Russia for the Territory.

SIXTH. THE NATURE AND EXTENT OF THE RIGHTS AND INTERESTS OF THE UNITED STATES IN THE FUR-SEAL AND OTHER FISHERIES IN BEHRING SEA.

The rights and interests of the Government in the fur-seal and other fisheries in Alaska were acquired by purchase from Russia and conveyed to it by the treaty of cession.

The fur-seal rookeries were discovered in 1786, by Pribylov, a Russian subject, and in 1799 the right to take fur-seals was granted to the Russian American Company by the Russian Emperor. From the date of discovery down to the date of the transfer of Alaska to the United States, Russia claimed and exercised exclusive jurisdiction over those islands and asserted her ownership of these fur-bearing animals and disposed of them accordingly. No one ever questioned her right or asserted an adverse claim. No foreign vessel was permitted to touch at either of said islands during the entire period of Russia's occupation. Seal life was protected by her navy, both on the islands and in Behring Sea.

By the treaty of cession this right was transferred to the United States. It includes the right to protect seal life on the islands, and in that part of Behring Sea included within the boundary of the territory conveyed.

The right of Russia to patrol the waters of Behring Sea and protect seal life was asserted and exercised for nearly a century, undisputed and unquestioned, and the United States having acquired that right by purchase from Russia has maintained it from the beginning. To illustrate: The killing of fur-seals by unauthorized persons was prohibited by act of Congress; the right to take a specified number each year for a period of twenty years at a fixed rate of tax and rental was authorized, with direction to the Secretary of the Treasury, for the time being, to renew the privilege to proper and responsible parties at the expiration of each period of twenty years.

The penalty affixed to the violation of the statute prohibiting seal killing is fine and imprisonment and confiscation of vessels, their tackle, apparel, and furniture.

The object of this law was, first, to protect this valuable industry, upon which the entire population of the islands depend for subsistence, and second, to secure the United States a perpetual revenue therefrom.

It is clear to your committee, from the proof submitted, that to prohibit seal killing on the seal islands and permit the killing in Behring Sea would be no protection; for it is not on the islands where the destruction of seal life is threatened, or seals are unlawfully killed, but it is in that part of Behring Sea lying between the "eastern and western limits" of Alaska as described in the treaty of cession, through which the seals pass and repass in going to and from their feeding grounds, some 50 miles southeast of the rookeries, and in their annual migrations to and from the islands.

This was known to Congress when the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska" was passed, for in that act, as well as the preceding and subsequent acts in reference to Alaska, Congress expressly asserted our jurisdiction over the marine territory acquired by the purchase as well as over the land, and extended the laws of the United States over the entire territory embraced within the boundary specified in the treaty, as will appear from the following enactments:

1. The first legislative action in reference to Alaska was the act of July 27, 1868, appropriating \$7,200,000 in payment of the price stipulated in the treaty with Russia of certain territory "therein described" and ceded to the United States. In other words, the appropriation was to pay for the territory described in the treaty of cession.

2. By the act also approved July 27, 1868, it is provided: "The laws of the United States relating to customs, commerce, and navigation are extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia," etc.

3. By the act approved March 3, 1873, the twentieth and twenty-first sections of "An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers," approved June 30, 1834, "be, and are hereby, extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia," etc.

4. By joint resolution, March 3, 1869, "the islands of St. Paul and St. George in Alaska are declared a special reservation for Government purposes," etc.

It will be observed that these islands which are declared to be in Alaska are situated near the center of what Mr. Sumner designates as "our part of Behring Sea."

5. By the act approved July 27, 1868 (Revised Statutes, section 1956), it is provided that "no person shall kill * * * any fur-seal or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof.

The "limits" of Alaska Territory are defined by the treaty of cession as follows:

"The eastern limit is the line of demarcation between the Russian and British possessions in North America, etc.

"The western limit, within which the territories and dominion conveyed are contained, passes through a point in Behring Strait on the parallel of 65° 30' north latitude, at its intersection by the meridian which passes midway between the island of Krusenstern or Ignalook and the island of Ratmanoff or Noonarbook, and proceeds due north without limitation into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest through Behring Strait and Behring Sea, so as to pass midway between the island of Atou and the Copper Island of the Kormandorski copleit or group in the North Pacific Ocean to the meridian of 193° west longitude, so as to include the whole of the Aleutian Islands east of that meridian."

(See treaty of cession by Russia to the United States March 30, 1867, for complete description of boundary.)

In other words, the eastern limit of the territory ceded to the United States is the boundary between the British and Russian possessions; and the western limit, a line running in a southwesterly direction from the Frozen Ocean through Behring Strait and Behring Sea to the North Pacific Ocean, thus dividing Behring Sea into two distinct and separate parts.

The northern boundary is the Frozen Ocean, and the southern the southern coast of the Aleutian chain of islands.

These are "the limits of Alaska Territory," as laid down in the treaty—our title deed; the boundary of the territory referred to in the act appropriating the purchase-money; and repeated in section 1956, Revised Statutes, which prohibits the killing of fur-seals "within the limits of Alaska Territory."

It seems clear to the committee that the act prohibiting the killing of fur-seals "within the limits of Alaska Territory" was intended to apply to the acquired territory, land and water, embraced within "the limits" specified in the treaty of cession; just as the laws relating to customs, commerce, and navigation and to trade and commerce with the Indian tribes were, by the acts just referred to, extended over "all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia."

The Territory of Alaska consists of land and water. Exclusive of its lakes, rivers, harbors, and inlets there is a large area of marine territory which lies outside of the 3-mile limit from the shore, but is within the boundary lines of the territory transferred by Russia to the United States.

The rivers, lakes, harbors, and inlets, as well as the 3-mile belt of water contiguous to the shore, are part of the territory of the United States, and come under the operation of their laws without being specially named; and if the statutes extending the laws of the United States over Alaska had omitted the word "waters," and had used the words "mainland and islands of the territory ceded," instead of the phrase "mainland, islands, and waters" of the territory ceded, there is no question but that the lakes, rivers, harbors, inlets, and the

3-mile belt would have been included as part of the territory of the United States.

While it is true that an act of Congress relating to Alaska or any other Territory applies to its entire area, yet, in this case, out of abundant caution, and in order that there might be no room for doubt or question, the law-makers used the words "all the mainland, islands, and waters," having direct reference to the large area of marine territory on the west, which Mr. Sumner, speaking for the treaty, told the Senate was "our part of Behring Sea."

"National territory consists of water as well as land."—*Halleck's International Law*, section 13.

The object of the act of July 1, 1870, was (as expressed in the title), "to prevent the extermination of fur-bearing animals in Alaska," and the title would be a misnomer if its operation were restricted to the mainland, islands, and the 3-mile belt of water.

When this act was passed it was known to Congress that the Pribylov group of islands were the only seal islands in Alaska; and that there were not only no other seal rookeries in Alaska, but that there was no other place in the Territory on the mainland or on any other island, where fur-seals haul up, or are ever to be found, except in the waters of Behring Sea. Therefore the only places where they could be killed in Alaska were on the seal islands and in the waters of Behring Sea; and the prohibition necessarily applies to those two localities, for it would be idle to prohibit seal killing in localities where these animals are never to be found. By the same act the Secretary of the Treasury was directed to lease the privilege of taking fur-seals for their skins on said islands at a fixed tax and rental for a period of twenty years, thereby removing the prohibition as to one of the localities frequented by these animals, namely, the islands of St. Paul and St. George, and leaving the prohibition to apply exclusively to the waters of Behring Sea, the only other place where fur-seals are to be found in Alaska.

SEVENTH. THE OPERATION OF THESE STATUTES.

Congress having made provision for the protection of seal life in Alaska, and appropriated money to equip the vessels of the Revenue Marine for that service, the Secretary of the Treasury dispatched revenue-cutters to Alaska with instructions to seize all vessels found engaged in killing fur-seals in Alaskan waters.

Pursuant to these instructions, a number of British and American vessels were seized, their cargoes of contraband seal-skins confiscated, and the vessels condemned by decree of the United States district court.

As early as 1881, it having been reported to the Treasury Department that unauthorized persons were killing seals in Alaskan waters, the Secretary caused a notice to be published in the newspapers printed at all the Pacific ports in this country stating that the law prohibiting seal killing in Alaskan waters would be enforced against all comers, and the penalties inflicted. Since then this notice has been published every year up to and including the present year, 1888.

In 1881, one D. A. D'Ancona, of San Francisco, addressed a letter to the Secretary of the Treasury, making inquiry as to the extent of jurisdiction claimed by the United States over Behring Sea. In reply the Secretary informed him, under date of March 12, 1881, as follows:

"The law prohibits the killing of any fur-bearing animals, except as otherwise therein provided, within the limits of Alaska Territory, or the waters thereof, and also prohibits the killing of any fur-seals on the islands of St. Paul and St. George, or in the waters adjacent thereto, except during certain months.

"You inquire in regard to the interpretation of the terms 'waters thereof' and 'waters adjacent thereto,' as used in the law, and how far the jurisdiction of the United States is to be understood as extending.

"Presuming your inquiry to relate more especially to the waters of Western Alaska, you are informed that the treaty with Russia of March 30, 1867, by which the Territory of Alaska was ceded to the United States, defines the boundary of the territory so ceded. This treaty is found on pages 671 to 673 of the volume of treaties of the Revised Statutes. It will be seen, therefore, that the limit of the cession extends from a line starting from the Arctic Ocean and running through Behring Strait to the north of St. Lawrence Islands.

"The line runs thence in a southwesterly direction, so as to pass midway between the island of Attou and Copper Island of the Kormandorski couplet or group in the North Pacific Ocean to meridian of 133° west longitude. All the waters within that boundary to the western end of the Aleutian Archipelago and chain of islands are considered as comprised within the waters of Alaska Territory.

"All the penalties prescribed by law against the killing of fur-bearing animals would therefore attach against any violation of law within the limits before described.

"Very respectfully,

"H. F. FRENCH, *Acting Secretary.*"

This decision was repeated by the Department April 4, 1881, and on the 16th of March, 1886, the late distinguished Secretary of the Treasury, Hon. Daniel Manning, sent the following letter to the collector of customs at San Francisco:

"TREASURY DEPARTMENT, March 16, 1886.

"SIR: I transmit herewith for your information a copy of a letter addressed by the Department on March 12, 1881, to D. A. D'Ancona, concerning the jurisdiction of the United States in the waters of the Territory of Alaska and the prevention of the killing of fur-seals and other fur-bearing animals within such areas, as prescribed by chapter 3, Title XXIII of the Revised Statutes. The attention of your predecessor in office was called to this subject on April 4, 1881. This communication is addressed to you, inasmuch as it is understood that certain parties at your port contemplate the fitting out of expeditions to kill fur-seals in these waters. You are requested to give due publicity to such letters in order that such parties may be informed of the construction placed by this Department upon the provisions of law referred to.

"Respectfully yours,

"D. MANNING, *Secretary.*"

"COLLECTOR OF CUSTOMS, San Francisco."

It having been claimed by the Canadian authorities in their brief relating to the seizure of Canadian vessels in Behring Sea by our revenue-cutters, that ex-Secretary Boutwell had decided that the United States had no jurisdiction over Behring Sea outside of the 3-mile limit, the attention of Mr. Boutwell was called to the matter by Hon. W. W. Eaton, late chairman of the Foreign Relations Committee, United States Senate, to which Mr. Boutwell made the following reply:

"WASHINGTON, January 18, 1888.

"SIR: Since the receipt of your letter of the 16th instant, I have examined with care the letter addressed to me as Secretary of the Treasury by T. G. Phelps, esq., then collector of customs at the port of San Francisco, dated March 25, 1872, and also my official reply thereto, dated April 19, 1872, in relation to the purpose of certain parties to capture fur-seal on their annual migration to the islands of St. Paul and St. George through the Ounimak Pass and through the neighboring approaches to the islands. Upon the examination of the correspondence my recollection is in a degree refreshed and my knowledge of the circumstances revived.

"The fourth sentence of Mr. Phelps's letter appears to proceed upon the idea that it was the purpose of the hunters, as their purpose was then understood by

him, to take the seals upon the Pacific Ocean side of the Aleutian range of islands and near the passes mentioned and through which the animals were destined to move; and such was the view taken by me and on which my reply was based.

"Nor can I now see that there is ground for any other reasonable construction of the correspondence.

"Mr. Phelps appeared to have apprehended a diversion of the seals from the Ounimak Pass and the narrow straits near that pass, and his suggestion of a remedy was limited to the same field. Therefore, neither upon my recollection of facts as they were understood by me in 1872, nor upon the present reading of the correspondence, do I admit the claim of Great Britain that my letter is an admission of any right adverse to the claims of the United States in the waters known as Behring Sea. My letter had reference solely to the waters of the Pacific Ocean south of the Aleutian Islands.

"Very respectfully,

"GEORGE S. BOUTWELL.

"W. W. EATON, *Washington, D. C.*"

On the 12th day of October, 1870, Secretary Boutwell wrote to the collector of customs at San Francisco, as follows:

"Your communication of the 27th ultimo is received in relation to the illegal killing of the fur-seals at places in Alaska other than the islands of St. Paul and St. George. In reply I transmit herewith a letter, addressed to the collector at Sitka, instructing him to issue strict orders to his subordinates for the prevention of such illegal killing and traffic, and for the bringing of the offenders to punishment; and also for the seizure of all such seal-skins illegally taken as aforesaid, and for their transmittal to your port for forfeiture." * * * (See Executive Document No. 83, first session Forty-fourth Congress.)

In October of last year the question as to the right of the United States to exclusive dominion and jurisdiction over our part of Behring Sea came before the United States district court in Alaska, in the cases of *The United States vs. The British schooners Dolphin, Anna Beck, Grace, and Ada*, charged with violating the law prohibiting the killing of fur-seals in Alaskan waters.

A stipulation signed by the Queen's counsel, Mr. N. W. T. Drake, on the part of the British owners, and Mr. A. K. Delany upon the part of the United States, was filed, in which it was agreed and conceded that the masters of the vessels named were taking fur-seals in that portion of Behring Sea which is claimed by the United States under the treaty with Russia of March, 1867. To the libel of information the Queen's counsel of British Columbia filed a demurrer alleging that the district court of Alaska had no jurisdiction over the subject-matter of the action, for the reason that the schooner was more than 1 marine league from the shore when seized, and that the act of Congress of July 27, 1868, is unconstitutional in that it restricts free navigation of the Behring Sea for sealing purposes.

In overruling the demurrer the court said:

"The question of the constitutionality of the act of Congress of July 27, 1868, scarcely deserves notice, since it has been sustained by this court. (See *United States vs. Nelson*, 29 Federal Reporter, page 202. See same case, affirmed by the United States circuit court for Oregon, Weekly Federal Reporter of April 19, page 112. See also *The Louisa Simpson*, 2 Sawyer.)"

Here was a concession by counsel for British Columbia that the act of Congress extending the laws relating to customs, commerce, and navigation over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia, extended said laws over all that portion of Behring Sea lying east of the sea-boundary line designated in the treaty.

In its decision the district court said (Dawson, judge):

"The conclusion I have reached is that the demurrer must be overruled, and it is so ordered; and that the judgment of forfeiture to the United States be entered against each of the vessels separately, together with their tackle, apparel, furniture, and cargoes, saving to the masters and mates their private property such as nautical instruments and the like, and that a stay of proceedings of ninety days be granted as per stipulation filed."

No appeal was taken from this decision. Our exclusive jurisdiction over these waters having thus been asserted and exercised by the legislative and executive branches of the Government, and their action affirmed by the United States district court, is there now any reason why that jurisdiction should be relinquished?

The reasoning that would justify this Government in reversing its attitude on this question must be sufficient to convince the common understanding that justice and honesty demand it. The relinquishment of a vested right, repeatedly asserted and exercised by a great power jealous of its honor and dignity, coupled with a surrender of national territory, acquired in good faith from a neighboring state, whose honor would be questioned if we admit our title is defective, can only be justified by the adverse claimant assuming the burden of proof and establishing beyond question his own perfect title, the United States being in possession and claiming ownership. Until it is demonstrated that Russia, our grantor, had no title to these waters, or that she did not assert or exercise dominion over them, our right must be conceded; for it is admitted on all hands that whatever title Russia had at the date of the transfer of the territory we acquired and still possess.

The sixth article of the treaty of cession provides that—

"The cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion and appurtenances thereto."

For the period of one hundred and forty years, dating from their discovery, these Alaskan waters were under the exclusive jurisdiction of Russia, and her dominion over the reserved half of Behring Sea is still asserted and exercised; and the same is acknowledged by the United States and other nations.

Treasury Department Circular No. 13, of January, 1882, contained the published notice of the Russian consul at Yokohama, warning foreign vessels as follows:

"NOTICE.

"At the request of the local authorities of Behring and other islands, the undersigned hereby notifies that the Russian Imperial Government publishes, for general knowledge, the following:

"1. Without a special permit or license from the governor-general of Eastern Siberia, foreign vessels are not allowed to carry on trading, hunting, fishing, etc., on the Russian coast or islands in the Okhotsk and Behring Seas, or on the northeast coast of Asia, or within their sea-boundary line.

"2. For such permits or licenses foreign vessels should apply to Vladivostok exclusively.

"3. In the port of Petropaulovsk, though being the only port of entry in Kamshatka, such permits or licenses shall not be issued.

"4. No permits or licenses whatever shall be issued for hunting, fishing, or trading at or on the Commodore or Robben Islands.

"5. Foreign vessels found trading, fishing, hunting, etc., in Russian waters without a license or permit from the governor-general, and also those possessing a license or permit who may infringe the existing by-laws on hunting, shall be confiscated, both vessels and cargoes, for the benefit of the government. This enactment shall be enforced henceforth, commencing with A. D. 1882.

"6. The enforcement of the above will be intrusted to Russian men-of-war, and also Russian merchant vessels, which, for that purpose, will carry military detachments and be provided with proper instructions.

"YOKOHAMA, November 15, 1881."

"A. PELIKAN, *H. I. R. M. Consul.*"

This warning was published fifteen years after the transfer of the eastern half of Behring Sea to the United States, and gives notice to all concerned that Russia will enforce her jurisdiction over the western half within her "sea-boundary line."

RUSSIA'S TITLE TO BEHRING SEA.

The Sea of Kamschatka, as it was formerly called, was discovered by Vitus Behring, a Russian subject, in 1725. From the date of discovery until the purchase of Alaska its waters were surrounded by Russian territory, except the narrow straits leading to the Frozen Ocean and the southwestern outlet to the North Pacific. Within a few years from its discovery trading companies were formed and trading stations established on its coasts and islands by Siberian merchants and traders, and on the northwest coast of the North Pacific. The glowing accounts of the rich products of the new possessions stimulated Russian enterprises; companies were formed, ships were built, and factories established at different points on the coasts and islands.

In 1745 the Aleutian Islands were discovered, and in 1768 the whole archipelago and the peninsula of Alaska were explored by an expedition ordered by the Empress Catharine. The coast of British Columbia was discovered by Vancouver in 1790, and in the same year Gray entered the Columbia River, so that the title of Russia is the earliest on the North-western coast. Subsequently there were four other Russian expeditions: The first, under Commodore Billings, in 1785; the second, under Krusenstern, of the Russian navy, in 1803; the third, under Lieutenant Kotzebue, in 1815, and the fourth, under Admiral Lütke, in 1826.

As early as 1764 the Russian Government granted to certain merchants the exclusive right to trade upon the Aleutian Islands, reserving to itself a tithe of the profits; and in 1783 a trading company, which was originally formed at Okhotsk, established its headquarters at Kadiak, with branches at Algonak and Unalaska Island, and on Kenayak and Tshugatahain Bays. Numerous other companies were subsequently formed, but in 1797 the different interests were consolidated and a new company formed, with headquarters at Irkutsk, which made application to the Czar for an imperial charter. The imperial commission to whom the application was referred said: "Having received information from all sides of disorders, outrages, and oppressions of the natives caused in the colonies by parties of Russian hunters, as well as groundless claims advanced by foreign navigators to lands discovered by Russians, it had reason to hope that placing the business of that distant region in the hands of one strong company would serve on the one hand to perpetuate Russian supremacy there, and on the other would prevent many disorders and preserve the fur trade, the principal wealth of the country, affording protection to the natives against violence and abuse, and tending toward general improvement of their condition." (Bancroft's Hist. Alaska, 378.)

In accordance with this recommendation, an imperial ukase was issued December 27, 1799, as follows:

"By the grace of a merciful God, we, Paul the First, Emperor and Autocrat of all the Russias, etc., to the Russian American Company under our highest protection.

"The benefits and advantages resulting to our Empire from the hunting and trading carried on by our loyal subjects in the northeastern seas and along the coasts of America have attracted our royal attention and consideration; therefore having taken under our immediate protection a company organized for the above-named purpose of carrying on hunting and trading, we allow it to assume the appellation of 'Russian American Company under our highest protection;' and for the purpose of aiding the company in its enterprise, we allow the commanders of our land and sea forces to employ said forces in the company's aid if occasion requires it, while for further relief and assistance of said company, and having examined their rules and regulations, we hereby declare it to be our highest imperial will to grant to this company for a period of twenty years the following rights and privileges:

"I. By the right of discovery in past times, by Russian navigators, of the northeastern (western) part of America, beginning from the fifty-fifth degree of north latitude and of the chain of islands extending from Kamschatka to the north to America and southward to Japan, and by right of possession of the same by Russia, we most graciously permit the company to have the use of all hunting grounds and establishments now existing on the northeastern (western) coast of America, from the above-mentioned fifty-fifth degree to Behring Strait, and on the same also on the Aleutian, Kurile, and other islands situated on the Northeastern Ocean.

"II. To make new discoveries not only north of the fifty-fifth degree of north latitude, but further to the south, and to occupy the new lands discovered, as Russian possessions, according to prescribed rules, if they have not been previously occupied by any other nation, or been dependent on another nation.

"III. To use and profit by everything which has been or shall be discovered in those localities, on the surface and in the bosom of the earth, without any competition by others.

"IV. We most graciously permit this company to establish settlements in future times, wherever they are wanted, according to their best knowledge and belief, and fortify them to insure the safety of the inhabitants, and to send ships to those shores with goods and hunters, without any obstacles on the part of the government.

"V. To extend their navigation to all adjoining nations and hold business intercourse with all surrounding powers upon obtaining their free consent for the purpose, and under our highest protection, to enable them to prosecute their enterprises with greater force and advantage.

"VI. To employ for navigation, hunting, and all other business, free and unsuspected people having no illegal views or intentions. In consideration of the distance of the localities where they will be sent, the provincial authorities will grant to all persons sent out as settlers, hunters, and in other capacities, passports for seven years. Serfs and house servants will only be employed by the company with the consent of their landholders, and government taxes will be paid for all serfs thus employed.

"VII. Though it is forbidden by our highest order to cut government timber anywhere without the permission of the college of admiralty, this company is hereby permitted on account of the distance of the admiralty from Okhotsk, when it needs timber for repairs, and occasionally for the construction of new ships, to use freely such timber as is required." * * *

The remaining paragraphs are not pertinent to the subject we are considering. We quote only the last one:

"In conclusion of this our most gracious order for the benefit of the Russian American Company under (highest protection), we enjoin all our military and civil authorities in the above-mentioned localities not only not to prevent them from enjoying to the fullest extent the privileges granted by us, but in case of need to protect them with all their power from loss or injury, and to render them, upon application of the company's authorities, all necessary aid, assistance, and protection. To give effect to this our most gracious order, we subscribe it with our own hand and give orders to confirm it with our imperial seal. Given at St. Petersburg, in the year after the birth of Christ 1799, the 27th day of December, in the fourth year of our reign.

"PAUL."

This assertion of dominion was not disputed or questioned by any of the powers; the right of the Autocrat of Russia to control and dispose of these pos-

sessions was conceded, tacitly at least, by all the nations. His title rested upon (1) discovery; (2) first occupation; (3) peaceful and undisputed possession for more than half a century. By virtue of this imperial decree, the Russian American Company as early as 1799, without protest or objection from any quarter, were invested with absolute control of all the territory embraced in its charter, from Behring Straits to the fifty-fifth parallel on the American coast, and as far south as Japan on the continent of Asia, subject only to the ultimate sovereignty of the Czar.

Twenty-two years later, upon the complaint of the company that foreign traders were interfering with the rights conferred by its charter, the Emperor Alexander issued the celebrated ordinance extending his dominion to the fifty-first parallel on the North American coast, and prohibiting foreign vessels to approach within 100 miles of the shore. We quote the first three sections:

"Whereas it appears from reports submitted to us that the commerce of our subjects on the Aleutian Islands and along that part of the coast of Northwest America belonging to the Russian dominion is exposed to injury and various molestations owing to the existence of secret, illicit trade; and whereas it appears that the principal cause of such molestations is to be found in the want of regulations establishing the limits of navigation along these shores and prescribing the order of procedure in maritime matters along said shores, as in general on the eastern coast of Siberia and the Kurile Islands, we have resolved to regulate these matters by a special ordinance herewith appended.

"Transmitting said ordinance to the administrative senate, we order that it be published for general information and the proper steps be taken to carry it into execution:

"Ordinance concerning the restriction of navigation and regulating the coasting traffic along the coasts of Eastern Siberia, Northwestern America, the Aleutian and Kurile Islands, etc.

"SECTION 1. The transaction of commerce and the pursuit of whaling and fishing, or any other industry, on the islands, in the harbors and inlets, and, in general, all along the northwestern coast of America from Behring Strait to the fifty-first parallel of northern latitude, and likewise on the Aleutian Islands, and along the eastern coast of Siberia, and on the Kurile Islands, that is, from Behring Strait to the southern promontory of the island of Urup, namely, as far south as latitude 45° 50' north, are exclusively reserved to subjects of the Russian Empire.

"SEC. 2. Accordingly, no foreign vessel shall be allowed either to put to shore at any of the coasts and islands under Russian dominion as specified in the preceding section, or even to approach the same to within a distance of less than 100 Italian miles. Any vessel contravening this provision shall be subject to confiscation, with her whole cargo.

"SEC. 3. Exempt from this prohibition are: Vessels cast away in a storm, or compelled to put to shore on account of complete want of food provisions, provided they are unable to land anywhere else except at a coast belonging to Russia. In such cases the vessels are required to furnish proof of the real existence of causes necessitating the exemption. Ships sent out by friendly powers for merely scientific purposes are also exempted from the preceding regulation (section 2). Such ships must, however, be provided beforehand with passports issued by the Russian ministry of marine."

With reference to those portions of this ordinance which extended Russian dominion four degrees farther south and prohibited foreign vessels from approaching to within a distance of less than 100 miles from the shore, the Governments of Great Britain and the United States entered protests.

Mr. Adams, then Secretary of State, conceded the boundary named in the charter of the Russian American Company, namely, the fifty-fifth parallel on the coast of the North Pacific Ocean, but insisted what he designates as "a new pretension" the claim of Russia to the coast between latitude 51 and 55. He also repelled the exclusion of American ships from the coast of the North Pacific Ocean, stating that "with the Russian settlements at Kadiak or at New Archangel (Sitka), they, the United States, may fairly claim the advantage of a free trade, having so long enjoyed it unmolested, and because it has been, and would continue to be, as advantageous at least to those settlements as to them."

The committee cite these extracts to show that the contention had reference to a section of the coast of the North Pacific Ocean and entirely remote from Behring Sea.

In reply to the suggestions of Mr. Polizza that "the extent of sea, of which these possessions form the limits, comprehends all the conditions which are ordinarily attached to shut seas (*mers fermes*)," Mr. Adams replied: "It may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than 90° of longitude, or 4,000 miles." (Having direct reference to the Pacific Ocean.)

The committee have carefully examined the protests and the correspondence in reference to the matters in controversy, as well as the treaties of 1824 and 1825, which settled them, and find that they all had reference to that section of the coast and waters of the North Pacific Ocean between the fifty-first parallel of north latitude and Mount St. Elias, and east of the one hundred and forty-first meridian.

In all the correspondence, projects, and treaties there is no allusion to Behring Sea or to any region of country within 1,000 miles of its eastern border; so that the dominion asserted and exercised by Russia over that sea, from its discovery in 1725 to its partition by the treaty of cession in 1867, had never been denied or questioned. (See treaty between Russia and the United States, April 5, 1824, and the treaty between Russia and Great Britain, February 28, 1825, published with evidence.)

EIGHTH. THE VALUE OF THE MARINE TERRITORY ACQUIRED BY THE TREATY OF CESSION.

By referring to the debate on the purchase of Alaska, and the contemporaneous discussion of the subject by the periodicals and newspapers of this country, it will be noticed that the acquisition of the products of Behring Sea, its fur-bearing animals and fisheries, was regarded as an important, if not its chief, consideration for the purchase.

Mr. Sumner, speaking for the treaty, said in the Senate, after enumerating the land furs of Alaska:

"The seal, amphibious, polygamous, and intelligent as the beaver, has always supplied the largest multitude of furs to the Russian company."

Speaking of the walrus, he says these animals are found in these waters in great multitudes, and are of great value for their ivory. He then adds:

"I mention the sea-otter last, but in beauty and value it is the first. In these respects it far surpasses the river and land otter, etc. * * * I come now to the fisheries, the last head of this inquiry and not inferior to any other in importance—perhaps the most important of all. What even are sea-otter skins by the side of that product of the sea, incalculable in amount, which contributes to the sustenance of the human family? * * * Salmon exist in unequal numbers, so that this fish, so aristocratic elsewhere, becomes common enough. * * * Herring seem to be not less multitudinous than the salmon; their name, derived from the German *heer*, signifying an army, is amply verified. The cod is perhaps the most generally diffused and abundant of all, for it swims in all the waters of this coast from the Frozen Ocean to the southern limit, and in some places it is in immense numbers. Behind all these is the whale, whose corporal dimensions strictly represent the space which he occupies in the fisheries of the world, hardly diminished by petroleum or gas." * * *

Speaking of fishing banks or soundings, he adds:

"The sea and straits of Behring as far as the Frozen Ocean have been surveyed by a naval expedition of the United States under Commander John Rodgers. "From one of his charts now before me, it appears that, beginning at the Frozen Ocean and descending through Behring Straits and Behring Sea, embracing Kotzebue Sound, Norton Bay, and Bristol Bay to the peninsula of Alaska, a distance of more than 12 degrees, there are constant uninterrupted soundings from 20 to 50 fathoms, thus presenting an immense extent proper in this respect for fishery. * * *

"Our own fisheries, now so considerable, were small in the beginning; they were small even when they inspired the eloquence of Burke in that most splendid page never equaled even by himself. But the Continental Congress, in its original instructions to its commissioners for the negotiation of peace with Great Britain, required, as a fundamental condition next to independence, that these fisheries should be preserved unimpaird. While this proposition was under discussion Elbridge Gerry, who had grown up among the fishermen of Massachusetts, repelled the attacks upon their pursuit in words which are not out of place here. 'It is not so much fishing,' he said, 'as enterprise, industry, employment. It is not so much fish; it is gold, the produce of that avocation. It is the employment of those who would otherwise be idle, the food of those who would otherwise be hungry, the wealth of those who would otherwise be poor.' After debate it was resolved by Congress that 'the common right of taking fish should in no case be given up.'

"For this principle the eldest Adams contended with ability and constancy until it was fixed in the treaty where it stands side by side with the acknowledgment of independence."

"The acquisition of this wealth of marine products was presented to the Senate by the chairman of the Committee on Foreign Relations as the most important achievement of the treaty, and no one questioned the right of Russia to sell and transfer it to this country, and no suggestion was made in the Senate or elsewhere that this valuable marine territory was not included in the proposed purchase."

On the 17th of February, 1868, the President transmitted to the House of Representatives a message in relation to Russian America, accompanied by documents from the Department of State and the Secretary of the Treasury, all of which are printed in Executive Document No. 177, Fortieth Congress, second session. From these documents we make the following extracts. Under date of May 10, 1867, the American minister, Mr. Clay, writes from St. Petersburg to Secretary Seward as follows:

"SIR: Your dispatch No. 241, April 1, 1867, inclosing the treaty between Russia and America ceding us all Russian America, was duly received. I awaited the expression of European and Russian sentiments in reference thereto before answering you."

"I congratulate you upon this brilliant achievement, which adds so vast a territory to our Union; whose ports, whose mines, whose waters, whose furs, whose fisheries are of untold value, and whose fields will produce many grains, even wheat, and become hereafter, in time, the seat of a hearty white population."

On the 4th of July, 1867, Quartermaster-General Meigs wrote to Mr. Seward as follows:

"MY DEAR SIR: I am surprised to find it stated that objections are made to the acquisition of Russian America. I can conceive of no greater boon to the Pacific States, and I can not suppose that Atlantic Senators will deny to the people of those States the fisheries depending upon Russian America now within their group. We need such a nursery of seamen, such a commerce, as the fisheries will produce. They will feed the coasts and islands of the Pacific, and the vigorous climate will breed a race of hardy adventurers to repeat on the Pacific, softened by Christian civilization, the deeds of the old Norse sea-kings on the Atlantic."

"As a lover of my country, anxious for the growth, and prosperity, and strength, and virtue of the nation, I should value Russian America, its fisheries and mines, beyond the hot plains of Mexico or the fertile plantations of Cuba."

"I trust that no effort needed to secure this great acquisition will be omitted. The execution of the treaty will crown our generation with the praises and thanks of future ages."

In "A memorandum description of the Russian imperial system of Russian America," transmitted to Secretary Seward by the American minister at St. Petersburg, November 21, 1867, it is stated as follows:

"The Aleutian Islands may attract transient traders, but no permanent settlers; to inhabit them one must be an Aleut; and if it were not for the sea surrounding the islands, this country, owing to its unfavorable climatic conditions and the sterility of its ground, would have never been inhabited at all."

In the summary of the products of Alaska furnished the State Department by Professor Baird, of the Smithsonian Institution, he says:

"Animals: Furred animals, such as sea otter, river otter, sable-furred seal, mink, foxes, black, silver, red, etc., abound in great numbers. Red deer are on the south and reindeer on the north side."

"Fish: Herring, salmon, halibut, and codfish abound in exhaustless numbers. In Behring Sea great whales are very numerous."

On the 2d day of September, 1867, Mr. W. W. Miller wrote as follows:

"I have watched anxiously for the proceedings of the House to appropriate the purchase money to carry into execution that treaty. The sum our Government is to pay is a mere pittance for that vast region and its many substantial benefits which must accrue from its acquisition."

"The privilege of fishing on those banks, with Sitka as a free port of perpetuity, is of itself worth the price we are paying for the whole territory with all its incidents."

Mr. Charles Brewer, who was during the years 1826, 1827, 1828 first officer of the American brig Chinchilla, trading between the Sandwich Islands, Sitka, and China, writes under the date of December 16, 1867, as follows:

"The coast of Alaska abounds with fish of various kinds, such as salmon, halibut, and codfish, and I think the fisheries of that Territory are of more value to our possessions of California and Oregon than those of Newfoundland to New England."

"In the years 1826 to 1828 we sold our cargoes direct to the Russian Government and received our pay entirely in fur-seal skins, which skins were all taken upon the northern part of that coast and the adjacent islands, as also large quantities of ivory (walrus teeth), and walrus skins, and brought into the port of Sitka in the vessels of the Russian American Company."

The committee cite these documents because they were transmitted to the House of Representatives, with many others of a like character, by the President under a resolution of the House, December 19, 1867, "calling for correspondence and information in relation to Russian America," to enable the House to take proper action on the pending bill appropriating the purchase money; but chiefly because it seems to the committee to have been taken for granted that by the purchase of Alaska the United States would acquire exclusive ownership and jurisdiction over Behring Sea, including its products, the fur-seal, sea-otter, walrus, whale, codfish, salmon, and other fisheries; for it is on account of these valuable products that the appropriation of the purchase money was urged."

The extracts above quoted, in reference to these products, are emphasized by the fact that the fur-seal fisheries alone have already yielded to the Government a revenue greater than the entire cost of the Territory."

It seems clear to the committee that, if the waters of Behring Sea were the "high seas," these products were as free to our fishermen and seal-hunters as

the Russians, and there was, therefore, no reason on that account for the purchase. But it was well understood that Russia controlled those waters; that her ships of war patrolled them and seized and confiscated foreign vessels which had violated the regulations she had prescribed concerning them; and the argument in favor of the purchase was that by the transfer of the mainland, islands, and waters of Alaska we would acquire these valuable products and the right to protect them. This protection can only be effective by the employment of means similar to those adopted by Russia. Armed vessels should patrol Alaskan waters and enforce the laws of the United States."

It must be remembered that only a small number, comparatively speaking, of the fur-seals remain on the islands the entire season, and that millions of them traverse Behring Sea for miles in quest of food, and cover large areas of water. Now, if the protection only embraced the islands and the 3-mile belt of water surrounding them, a vast number of seals would be left to the mercy of the seal-hunters, and the destruction of the rookeries would be swift and certain."

In settling the policy of the Government in connection with the future disposition of the Pribylov Islands, the present and prospective condition of the inhabitants of the Aleutian chain of islands, from Ounalaska to Attou, inclusive, should not be neglected. There are to-day about one thousand persons inhabiting these islands who mainly derive their means of subsistence from the sale of sea-otter skins taken by them; they also take some fish about the shores, possibly in quantities sufficient to sustain life, but this catch is not available for sale or barter so as to in any way increase their income or enable them through it to better their material condition. The pursuit of the sea-otter is now so eager and persistent that the animal can not hold its own against the hunters, and in a few years doubtless will be exterminated from its haunts in the localities above referred to."

Had the Government in the past prohibited the hunting of the sea-otter by any but Aleuts and not permitted white men married to Aleutian women to rank as native hunters, and also confined the Aleut in his hunting to the use of spear and arrow (not allowing fire-arms), it is possible that the animals might have been maintained in perpetuity; but not only were such restrictions not placed, but even the rules made have been disregarded, and the extinction of the sea-otter is not far distant. When that time arrives, the inhabitants of the Aleutian chain will be left in a deplorable situation, unless timely consideration is given to their case. As it is to-day, the people of Attou, the westernmost island, would hardly have been able to maintain existence for the past three years had not the present lessees of the seal islands annually sent a vessel with supplies and necessities from Ounalaska to their island, a distance of about 700 miles, to aid this impoverished community, getting a return in skins (the only trade of the people) insufficient at their retail value to compensate for the coal consumed in making the trip."

Before suggesting methods of relief for the Aleutians, let us look for a moment at the past and present condition of the Pribylov Islands, their people and their seal product. Before the cession of Alaska, the Russians, under their rule, employed upwards of 200 Aleuts as laborers on the islands of St. Paul and St. George. After the cession, under the operation of the treaty, a large number of these people elected to leave the seal islands and return to their former homes (possibly fearing the same hardships under American rule that they had experienced under Russian, namely, enforced labor, with a compensation of only \$10 per annum, coarse and poor food, and wretched shelter), so that only about 150 laborers remained to do the work of taking seal-skins, under the lease made by the Government. This number in eighteen years has diminished to a present number of less than 80 laborers."

The ratio of births on the island does not keep pace with the proportion of deaths, mainly because the laws of consanguinity in the Greek Church, of which these people are devout adherents, only permit marriage between people so remote in kin that it is impossible in a limited population for the people to marry. Young men may find wives in Ounalaska and elsewhere, and bring them to St. Paul and St. George, but the woman of these islands, if she marry abroad, must follow the settlement of her husband, as he can not come to the seal islands and be enrolled as a sharer in the seal fund, so called. It may be proper here to state from what source this fund is derived, and to whose use it is limited. When the United States Government leased the privilege of taking 100,000 seal-skins annually on these islands, it stipulated that all work connected with the killing and skinning should be done by the natives of St. Paul and St. George Islands. The lessees fixed the compensation for this work at 40 cents per skin, say \$40,000 per annum, to be divided amongst the laborers for less than six weeks' work. Other labor than that above specified is paid by the lessees at the rate of \$1 per day."

The native inhabitants of the two islands named in addition to the above are by the lessees furnished with comfortable frame houses for each family, sufficient fuel, seal meat and salt fish, medicines and medical attendance, schools with competent teachers for eight months of the year, and all entirely without charge and at the expense of the lessees, and in addition are enabled to purchase on the islands such articles as they may desire at a cost not exceeding the price of the same goods in San Francisco. From this statement it will appear that the inhabitant of St. Paul and St. George enjoys privileges and benefits that make his lot very desirable in the eyes of his fellow-men of the Aleutian chain."

The "inhabitant" is equally sensible of his advantages and is naturally unwilling to have the population of his islands increased and his undivided share thus diminished. So long as there were laborers sufficient to do the sealing, and so long as the Aleuts of the chain had the sea-otter to look to as a source of support, the state of affairs was well enough, but now that the time has come when the population of the seal islands is insufficient to properly do the work of killing, skinning, and salting, and the assured speedy extinction of the sea-otter will leave the Aleuts from Ounalaska to Attou in a state of destitution, the question of what to do in the premises becomes urgent and demands attention."

The Pribylov Islands when discovered by the Russians in 1790 were uninhabited, and people from the Aleutian Islands were transferred to them to carry on the required work. Under Russian rule life there was deemed a hardship, from which the people desired escape. Under American rule the conditions are all changed, and the desire of the Aleuts now is to have a settlement on these islands. The people being all of one race or tribe, and their distribution being an enforced one originally, it is but just that the resources of the islands occupied should contribute towards the support of all the people. The people are docile and childlike, devout in their religious services, and with kind and judicious treatment can be guided, preserved, and elevated, provided a comfortable material condition can be assured for them. To accomplish this the action of the Government and that of the lessees must be in unison and the requirements of the situation be freely comprehended."

As now represented there seem to be indications that more laborers are imperatively needed on the seal islands, and that to meet this demand the lessees should be permitted under regulations to transfer a part or all of the destitute population of Attou (the westernmost island) to the seal islands, and establish them there under the conditions that now govern the natives resident on those islands; that, as sources of support now available to the inhabitants of Ounalaska and the other islands to the westward diminish, means should be taken to insure a proper supply of food and shelter to the people, and sufficient occupation to preserve and develop a sense of self-respect, and prevent a feeling that they were to be sustained without efforts on their own part."

These ends can, it is believed, be accomplished by utilizing the seal meat now

necessarily wasted on the Pribilof Islands either by the process of canning, or by means of cold storage, and from this supply furnishing the chief food of the natives. In this labor of preparing and distributing, the services of a considerable number of natives could be made available. The details of such plan would need much consideration, but could without difficulty be worked out. The main objection of the canning process would be that which manifested itself when the effort was made to derive income from the oil obtainable from the seal blubber, namely, the smoke and smell proved offensive and disturbing to the breeding seals on the rookeries, and the Government decided that it was unwise to further pursue the effort. But possibly improved methods could now be applied, or the meat preserved in some other manner. The women could be instructed and encouraged to further develop the little industries they now practice, such as weaving grass baskets, making nets, etc., and thus contribute in a minor way to the general well-being.

It is possible also that about Atka a fishery could be established for taking and salting some of the fish products about that island. It is not supposed that these endeavors would be pursued with the expectation of realizing a pecuniary profit from them, but in the hope of sustaining and improving the natives, and it is believed that if the Government, the lessees, and the people work in accord the desired end could be attained. In this matter all interests are identical. The Government has its obligations to the people, and desires also to continue its present revenue from the seal islands. The lessees need the help of the natives to properly prosecute their work according to their contract.

The people need watchful care and guidance to strengthen them to resist the temptations that assail a people just emerging from an inferior state. Their only grievance now put forth is that the Government and the lessees prevent them from enjoying the pleasures of the liquor that ruins them, be it American whisky or native brewed quass. But all these possibilities depend upon the absolute protection of seal life by the Government. Not only in the seal islands, but also and with more importance in the limits of Behring Sea, south of the seal islands, in the passes between the islands and to the extent of national jurisdiction south of the Aleutian chain, the statutes now in existence in relation thereto must be executed with a decision and firmness that admit of no misconception, else a most interesting race of people will fade away. A profitable industry unique in its kind will be destroyed and there will remain to the Government of its valuable purchase only a waste of barren volcanic rocks.

The executive department of the Government has ample power and authority under existing law to make and enforce all necessary regulations to carry into effect the recommendations here made.

CONCLUSION.

The committee have examined numerous witnesses who are familiar with this industry and the nature and habits of the fur-seal, with reference to the best method or system to be adopted by the Government to secure the greatest amount of revenue, preserve the seal rookeries, and provide for the welfare of the native inhabitants of the islands. All these witnesses concur in testifying to the wisdom of the existing law on the subject, and favor the retention of the present system. All other existing rookeries are managed substantially in the same way by the different governments to which they belong, all following the lead of Russia, who managed and protected our rookeries by a similar method from their discovery until their transfer to the United States.

It did not require the testimony of witnesses to convince the committee that the Government itself could not successfully manage this business, or that it would be wisdom on its part to repeal the laws which protect seal life in Alaska, and open these waters to all comers, and invite the speedy destruction of this valuable industry.

It is conclusively established by the testimony that this business must be controlled by one direction—by proper and responsible parties as required by the statute, with direct and single responsibility to the Government.

Your committee therefore recommend that the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and amended as recommended by the committee, be continued in force; believing that not only the system it adopts, but the method of carrying it into effect, is well adapted for the purpose intended.

In conclusion, your committee find the following facts:

First. That if the law protecting seal life is enforced, the preservation of the seal rookeries will be assured, the revenue continued and increased, and the native inhabitants of the seal islands maintained without cost to the Government.

Second. That the Alaska Commercial Company has fully performed its contract with the Government and has contributed liberally to the support, maintenance, comfort, and civilization of the inhabitants of not only the seal islands, but also to those of the Aleutian Islands, Kodiak, and the mainland.

Third. That the fur-seal industry will have paid into the Treasury over nine millions of dollars during the period of the present lease.

Fourth. That the chief object of the purchase of Alaska was the acquisition of the valuable products of Behring Sea.

Fifth. That at the date of the cession of Alaska to the United States Russia's title to Behring Sea was perfect and undisputed.

Sixth. That by virtue of the treaty of cession the United States acquired complete title to all that portion of Behring Sea situate within the limits prescribed by the treaty.

The committee herewith report a bill making necessary amendments of the existing law relating to these subjects and recommend its passage.

Section 1 of the bill amends section 1963 of the Revised Statutes in two material respects.

As the statute now reads the Secretary of the Treasury does not think he is authorized to advertise for bids and make another lease of the seal islands until after the present lease expires. The amendment requires him to do so within one year prior to the expiration of the existing lease, so that there will be no cessation of responsibility. Section 1969 of the Revised Statutes imposes "a revenue tax or duty of \$2 per skin upon each fur-seal skin taken and shipped away from the islands of St. Paul and St. George."

The amendment repeals that section, and requires "the sum of not less than \$3.50 per skin for each fur-seal skin taken and shipped away from these islands," to be paid by the lessee in addition to the \$50,000 per annum as a consideration for the lease.

The amendment also declares the true meaning and intent of section 1956 of the Revised Statutes, which prohibits the killing of fur-seals, etc., in the waters of Alaska, and requires the President to issue an annual proclamation and cause one or more Government vessels to cruise said waters, in order to prohibit the unlawful killing of fur-seals therein.

The amendment increases the revenue of the Government from this source by at least \$150,000 per annum.

Sections 4 and 5 provide for the temporary protection and preservation of our valuable salmon fisheries in Alaska, and require the Commissioner of Fish and Fisheries to diligently prosecute his exploration and investigation of the salmon and other food-fishes of Alaska, and report to Congress in order to secure such additional legislation as may appear necessary to place the salmon fisheries of Alaska under permanent and regular conditions of production and preservation.

APPENDIX A.

Subsequent to the closing of the testimony in this investigation, the governor

of Alaska submitted to Congress a special report in reference to the operations of the Alaska Commercial Company under its contract with the United States.

In that report the governor asserts that he visited the Pribilof Islands and personally investigated the operations of the company and the condition of the native inhabitants.

As a result of his observation and examination he is convinced that the company has not only strictly complied with its contract, but has largely contributed to the welfare, comfort, and education of the natives of the islands, in addition to the requirements of the lease; and, while adhering to his former criticism of the operations of the company in other parts of Alaska, he strongly approves and commends the conduct of the company and its agents in the performance of the stipulations of the lease and the treatment of the natives. He also states that in his intercourse with the native inhabitants he "heard no complaints concerning their treatment either by the agent or any one else connected with the company."

Inasmuch as the law makes it the duty of the governor of Alaska "from time to time to inquire into the operations of the Alaska Seal and Fur Company, and annually report to Congress the result of such inquiries and any and all violations by said company of the agreement existing between the United States and said company," the committee deem it proper to include in its report all that portion of Governor Swineford's report which has reference to that subject.

REPORT OF GOVERNOR SWINEFORD AS TO THE SEAL ISLANDS.

Section 5 of the act providing a civil government for Alaska provides that the governor "shall, from time to time, inquire into the operations of the Alaska Seal and Fur Company, and shall annually report to Congress the result of such inquiries, and any and all violations by said company of the agreement existing between the United States and said company." In view of this provision, I have considered it my duty to inquire into the operations of that company, as was undoubtedly the intention of Congress generally, instead of confining my inquiries merely to the question of whether or not it had violated its agreement with the Government. The result of my inquiries into the operations of the company, aside from its sealing business, together with my views as to how they affect the best interests of the Territory and the welfare of its people, I have embodied as plainly and succinctly as possible in the foregoing pages. In doing so I have been governed by no other motive or desire than the good of the Territory, whose interests and welfare I have esteemed it a paramount duty to guard and promote to the best of my understanding and limited ability.

So far from having been actuated by any personal feeling, I wish to say that if the system of leasing the seal islands, without restriction as to trade in other parts of the Territory, is to be continued, very little in the way of reform is likely to be accomplished by dispossessing the present lessees in favor of some other individual or corporation. It is the system, or principle, that most merits condemnation. Any other corporation granted the same exclusive privileges would naturally strive to make the most of the opportunities presented, and I can see no prospective good to accrue to the Territory through the dispossession of one monopoly merely to make place for another and possibly worse one.

So far as its operations on the seal islands are concerned, it affords me pleasure to be able to report an altogether satisfactory condition of affairs; one which is wholly creditable at least to the company. I am perfectly satisfied that the company is, and has been all along, faithfully complying with all the terms and conditions of its agreement with the Government; in fact, it is doing even more in the matter of providing for the wants and comforts of the natives than its contract requires. I do not believe, as has frequently and persistently been charged, that it has ever taken in any one year more than the number of seals authorized by law, for the simple reason, if there be no other, that it has not been, and is not now, to its interest to do so. That could only be done by and with the connivance of the Government agents and the customs authorities at San Francisco, and in the absence of any evidence it would not be right or proper to question the honesty of those officials.

The provision of the lease restricting the number of seals that may be killed to 100,000 annually is its most valuable feature, as a moment's consideration will convince any person who is possessed of the slightest appreciation of the law of supply and demand. While I can not aver a positive knowledge in the premises, I nevertheless feel quite safe in asserting that the company has never violated either that or any other express provision of its lease or contract. It is true I did not have an opportunity of visiting St. George, owing to the then prevailing bad state of the weather, but I spent the best part of two days on St. Paul Island, where the principal rookeries are located, and where seventeen-twentieths of the seals are killed. I was here afforded every facility by the company's general agent for acquiring such information as I desired; the books of the company, as well as those of the Treasury agent, being open to me, while there was no restriction or espionage whatever to prevent me from obtaining any information the native people might wish to impart.

I conversed freely with many of the most intelligent Aleuts and creoles, and as all the killing is done by them, for which they receive a compensation of 40 cents per skin, it is fair to assume that they would know of it had there been any violation of contract in regard to the numbers killed; their accounts, however, show payment for the legitimate number only, and it is far from reasonable to suppose that the company would hazard the possession of so valuable a franchise by entering into collusion not only with the Government agents but with a hundred or more natives for the purpose of defrauding the Government. While I could find no evidence upon which to base even a suspicion of fraud in the number of skins taken, careful observation and inquiry forced upon me the conclusion that the company was not only honest in its dealings with the Government, but, as I have said, had done and was doing much more for the comfort and welfare of the natives than its agreement enjoins upon it.

I found the natives all comfortably housed in neat frame houses, built for them by the company, and which they are permitted to occupy for no other consideration than that the premises shall be kept clean. There are about sixty of these natives' houses in the village of St. Paul, all presenting a neat tidy exterior, and, so far as my observation extended, all well and cleanly kept on the inside. No offal or offensive refuse of any kind is allowed around the houses; the streets are kept clean, and the sanitary regulations and conditions are better than those usually enforced in eastern villages. The school-house is large enough to accommodate all the children of school age on the island, and will compare most favorably in all respects with similar buildings in the States and Territories. The school was having its annual vacation at the time of my visit, but I met a number of native children who could speak English, and a few comparatively young men who could read and write, and was informed by the teacher and the Government's agents that the school, which is kept open from September to May, was making excellent progress.

A dispensary in charge of a skillful physician is maintained by the company on each of the islands, both medical attendance and medicines being supplied free of charge. The agreement with the Government requires the company to furnish the inhabitants of the two islands with 60 cords of fire-wood annually, but for some reason or under some arrangement coal is being furnished them instead of wood, the allowance being 10 pounds a day to each house. This would be a little more than a ton and three-quarters for the year to each house, and allowing that only thirty of the houses are occupied the cost to the company would be more than the value of the wood it originally agreed to furnish. This amount of coal is, of course, insufficient, and the people are compelled to buy enough fuel to make up the deficiency; that the company sells to them at the rate of \$1.50 per 100 pounds of coal or three sticks of cord-wood for 50 cents.

In the event of a renewal of the company's lease or the leasing of the islands

to any other corporation or individual, I think a much more liberal provision for a free supply of fuel to the natives should be made.

From the stores at St. Paul and St. George—I assume that the conditions at St. George are the same as at St. Paul, the same general agent being in control—the natives are furnished goods and provisions, if, indeed, not as the company claims, at only 25 per cent. advance on San Francisco wholesale prices, most assuredly at very much lower figures than have yet obtained anywhere else in Alaska.

There are two hundred and nineteen men, women, and children, exclusive of the few whites, on St. Paul, and one hundred and twelve on St. George. These three hundred and thirty-one people, of whom it is safe to say less than one-third are adults, are paid by the company each year, for not to exceed three months' actual labor, \$40,000, which is divided among them, not exactly on a community plan, but in shares of the first, second, third, and fourth class, the classes being arranged by and among themselves and founded upon the relative skill of the workmen and value of labor performed. As, for instance, of the \$34,000 paid the present year for killing and flaying the eighty-five thousand seals taken on St. Paul, the men of the first class received \$526 each, those of the second class perhaps \$50 less, and the other two classes from \$300 to \$400 per man. These amounts, after the division is agreed upon, are placed to the credit of the individual persons composing the several classes on the books of the company and can be drawn in cash whenever wanted, except that, either on its own motion or at the request of the Government agents, the company insists upon retaining an amount sufficient to insure each individual \$3 per week during the long period of enforced idleness which intervenes between the close of one killing season and the commencement of another.

A number of the more provident natives have very considerable amounts standing to their credit with the company, on which they are allowed 4 per cent. interest, and by the means just stated the improvident ones are compelled to save enough for the support of themselves and families. If they do any extra work, they are paid for it; the company likewise pays them 40 cents each for skins of the pup seals of which the law permits them to kill as many as may be needed for food—at least, for as many as they desire to sell for that price after they are neatly tanned. Many of these pup skins, however, they make up into blankets, coats, caps, etc., which are eagerly sought for by the officers of the revenue steamers; but I was informed they were not allowed to sell them except through the office, and not even then without first having obtained the Government agent's permission.

There are a great many blue and white foxes on St. Paul Island, and of these they are permitted to trap not to exceed 500 each winter, for the pelts of which the company allows them 40 and 60 cents each, respectively. The people are seemingly much attached to the company's general agent, who struck me as being a man of the most humane and kindly feeling, and I heard no complaints from the natives concerning their treatment, either by the agent or any one else connected with the company. So far as the relations existing between themselves and the company are concerned, they are probably as well, if not better, off than an equal number of white workmen to be found anywhere in the States.

On the other hand, it seems to me that the authority exercised over them by the Government agents is rather arbitrary and oppressive. While at Ounalaska, on my return trip from the Arctic, I was called on by a delegation claiming to represent the people of St. Paul Island, who complained bitterly of the restrictions placed upon their actions by the Government agents. As I have stated, they are not permitted to sell anything without permission, and the delegation in question complained that on days when the store was open the assistant agent assumed the right to act as clerk not only, but also to decide for them what they should and should not buy. They claimed that he had discharged the second chief from the position to which he had been elected for no other reason than that he had gone fishing without first having obtained permission; that no one is permitted to leave the island without consent of the agent, and instanced cases where they had been refused permission to receive visits from friends and relatives, though the company was perfectly willing they should come, and offered to give them free transportation on its steamers. In flaying seals a few of the skins are accidentally cut, and these, together with those which are pronounced "stagey," are rejected by the company.

These skins, the delegation claimed, would be of use to the people in various ways, but instead of being allowed to keep them, they are cut up and thrown away by order of the Government agents. This is the delegation which I have referred to as complaining that the fire-arms sold to them by the company had been taken away from them, for what reason they professed not to know. I do not know of my own personal knowledge concerning the truth of the statements made to me by the complaining delegation; but I do know that the natives of the islands are not permitted to sell property, recognized on all hands as belonging to themselves, without first obtaining permission of the Government agents. It would seem to me, in view of the fact that none but Government vessels and officials and those of the company are allowed to call at or land upon these islands, that the natives might be permitted to sell without let or hindrance that which is admittedly their own; nor does it appear to me at all necessary to their well-being that they should be restricted to the enjoyment of only such rights and privileges as the Government agents, in their wisdom, may see fit to prescribe. On the contrary, it seems to me that the duty of these agents, so far as their relations to and with the natives are concerned, lies in the direction of protecting them in the full enjoyment of all their just rights and privileges and not in the way of their abridgment.

In my last annual report I submitted very briefly my views as to the policy which should, in my opinion, be adopted by the Government in regard to the fur-seal industry. A visit to the rookeries has not served to change or modify those views. I can see no good reason why the present monopoly of the business may not be abolished, not only without loss to the Government, but to its very great advantage so far as the amount of revenue to be derived is concerned. The present system of farming out the rookeries is not only obnoxious to every sense of right and justice, but, as I think I have shown, is in a very great degree inimical to the best interests of the Territory. But if it be concluded that the plan briefly outlined in my last report is impracticable, then I respectfully suggest that the law authorizing the lease of the seal islands should be so amended as to positively prohibit the lessees, under penalty of forfeiture, from engaging, either as a corporation or as individuals, directly or indirectly, in any other business than the taking of fur-seals within the limits of Alaska Territory.

If it is considered that there is no other way of dealing with the question so as to perpetuate the industry, and at the same time secure a revenue to the Government, if the business must be monopolized in order to prevent its destruction, then, on behalf of Alaska, in this, my last official report, I beg and pray that the monopoly thus created and perpetuated by Congress may be restricted to the leased islands, and not be permitted to spread itself all over the Territory to the detriment of almost every other interest within its borders.

Very respectfully,

A. P. SWINEFORD,
Governor of Alaska.

While the scope of the resolution directing this inquiry by the committee did not embrace the investigation of affairs in Alaska, except as to the Government reservation of St. Paul and St. George Islands, the committee admitted evidence showing the condition of the natives of the seal islands, as compared with that of the native inhabitants of other parts of Alaska, and particularly as to those parts of the Territory in which said company had trading stations and came in

contact with these inhabitants, as well as to their present condition compared with their condition under the Russian Government. On these points numerous witnesses were examined, all of whom testified that the condition of the native inhabitants, not only of the seal islands, but in all other parts of the Territory to which the operations of the company extend, had materially improved since the transfer of the Territory to the United States; and that these people who inhabit localities at or near which the company have trading stations are better cared for, more civilized and prosperous than those inhabiting other sections of the Territory beyond the limits of the company's operations.

The following extracts from the testimony on this subject are herewith submitted:

WASHINGTON, D. C., September 24, 1888.

George R. Tingle sworn and examined.

By the CHAIRMAN:

Q. Please state your official position.

A. I am the United States Treasury agent in charge of the fur-seal islands of Alaska at the present time.

Q. Have you had occasion to observe and judge of the general effect that this lease has on the natives, and whether this lease enables the Alaska Commercial Company to exercise over the business interests and general prosperity of the natives any influence?

A. Yes, sir; it enables them to exercise a very large influence throughout Alaska.

Q. Is it injurious?

A. The basis of their business is the fur-seal industry. Without this contract it would not be there. This contract enables the company to maintain stations in other portions of the Territory where there are natives congregated, and where they collect more or less land furs. This business they could not maintain without the fur-seal contract, because a number of these stations are non-paying.

Q. You mean unprofitable?

A. I mean unprofitable, maintained at an actual cash loss annually. Most of their stations pay something. The most valuable fur that they have heretofore gotten has been the sea otter, but of late years the sea otter has been hunted so vigorously by white hunters and others that the supply of that fur is very largely reduced.

Q. By competition?

A. Yes; by competition. Their business in Alaska is principally on the fur-seal islands, and their business elsewhere has no connection with that and does not keep people out of the Territory at all. Since I have been there their vessels have been at the service of any person wishing to travel up to Alaska. It carried missionaries, traders and their families, miners, and others who happen to be at the stations. Such always got passage. I have never known an instance where they refused passage to any one who undertook the establishment of a store or trading-post at any point in Alaska. The company has its stations at all points where it is at all probable they will have a profit, and it does all the business it can, but it is in competition with many others.

Q. Is their influence in any respect, in your opinion, deleterious to the public interest?

A. Not to the natives. If it were not for this company I believe the natives in many portions of Alaska would be in a starving condition. If this company did not go there and carry provisions to them and take what few furs they have the natives would have to go some place else, for they would be in a half-starved condition, and no better than they were under Russian rule, which was certainly deplorable. The presence of the Alaska Commercial Company in Alaska has been, in my judgment, a greater civilizer to the people of Alaska and has been of more benefit to them than all the Rev. Sheldon Jackson's crowd of missionaries has ever been.

[Testimony of W. B. Taylor, ex-Treasury agent.]

Q. The fur trade there was open to free competition throughout the Territory?

A. So far as I know. I know of no reason why, if they conform to the general law which is applicable to fur trading, that is, the employment of natives, that any other company has not the same right that the Alaska Commercial Company has to carry on business, but so far as I have been able to ascertain in regard to that, the business has not been a profitable one for more than one company, and in fact I think the Alaska Commercial Company could not carry on the business were it not that they have had the fur-seal island business, which made it necessary for them to own two vessels, and they could use them in the same trade to carry on business. And that is one reason why they have been able to carry on the other business and to extend the trade in the interior and through the Territory, and I look upon that trading business as a Godsend to those people. Without it the Government would be obliged to make provision to care for them—I mean for the natives throughout the Territory; of course the same thing is adapted to the seal islands, but it is the general trade I am speaking of now, because if you refer to revenue reports which have been made from time to time, you will find there a large number of small settlements that have been found in a starving condition almost every year that they have been visited, and large numbers of these people have died of starvation, and they have given them supplies over and over again.

Q. Do you mean the company?

A. No; the Government has. These supplies have been dealt out by the revenue-cutters to keep these people from starving in localities where there is no trading, and in localities where they have trading and collecting furs, ivory, and whalebone, and such things as that, and trade them to traders—the Alaska Commercial Company, I suppose, do the bulk of the business in that way—they can get provisions, money, food, clothing, and all that which is necessary, and can exist. Just how many people there are in Alaska dependent upon that trade I am not in a position to state, but it runs into the thousands.

Q. Involving the main bulk of the natives?

A. Yes; pretty much all of them. I look upon that trading as absolutely necessary by the Alaska Commercial Company or some company who continues to do that in order to keep these people from starving.

WASHINGTON, D. C., September 17, 1888.

Dr. H. H. McIntyre called and examined.

By Mr. JEFFRIES:

Q. Please state your name and occupation.

A. H. H. McIntyre. I am superintendent of the seal fisheries of Alaska for the lessees.

Q. How long have you been in the employ of the Alaska Commercial Company?

A. Since June, 1870.

Q. Does the company build any houses?

A. We have built a large number of houses at Ounalaska and several in other parts of the Territory. The sea-otter business was formerly profitable, but during the last three years in the entire Aleutian Archipelago it is non-paying.

Q. It is open to competition?

A. Yes, sir; and in the portion west of Athka we get almost nothing. I think in the country west of and including Athka we have during the last year spent not less than \$4,000 or \$5,000 to obtain \$500 worth of furs.

Q. For what purpose?

A. To keep up stations and to keep the people from starving. At Attou Island there are about one hundred people now. From there we get absolutely nothing except a dozen or two of fox-skins. Now it is proposed to take the people from that island and carry them to Oonalaska, and thence to the seal islands, if they can be induced to go and if the Government gives us permission.

Q. Are you supporting them without remuneration?

A. Yes, sir.

Q. Are the sea-otters diminishing in numbers?

A. Yes, sir; because white hunters, who have better facilities for killing them than the natives, follow them long distances from the coast and kill old and young indiscriminately. The native hunter can not compete with white hunters without assistance, and under most favorable circumstances are beaten by them.

Q. Would it seem that that may soon result in their extermination?

A. I think it will.

Q. Who are engaged in the extermination of these sea-otters?

A. White hunters entirely, independent of the company and in competition with each other.

Q. Do traders from San Francisco and other places go there?

A. Yes, sir; six or seven vessels are on the sea-otter grounds from some of these places this season, while the company has but one, and this one is manned wholly by native hunters, with their skin boats and otter spears.

Q. They get the trade while you feed the natives?

A. Yes, sir.

Q. What would be the condition of these people if the Alaska Commercial Company should fail to provide for them?

A. They would be left in a very deplorable condition. I do not think they could get the means of subsistence. I think they would starve.

George Wardman sworn and examined. * * *

Cross-examination by Mr. JEFFRIES:

Q. You are editor of the Pittsburgh Press, are you not?

A. Yes, sir.

Q. How long did you say you had been on St. George Island?

A. I was stationed there four years; that was my station.

Q. Subsequent to that you had been over the entire Territory of Alaska?

A. Previous to that, in 1879.

Q. You have written a book on Alaska?

A. Yes, sir.

Q. I want to ask you now how the natives of St. George Island compare with the other natives of Alaska—I mean the different parts of Alaska?

A. Well, the natives of St. Paul and St. George rank about alike, and they are considered the native aristocracy of the Territory. There is one of the St. George girls, Natalia Merculiff, who had several offers of marriage from Ounalaska men; but she would not marry them. She said she would rather live single all her life than marry them. She could not marry anybody on St. George or St. Paul because she was connected by ties of consanguinity, some remote to the forty-seventh degree, with about everybody on the two islands. The Russian church does not permit the marriage of such relations. She had the reputation of being a very nice and decent girl—the best of the lot, the general report went. The real facts in the case I do not know.

Q. You have been on the Aleutian Islands?

A. Yes, sir.

Q. I want to ask you now, from your own observation, what do you say as to the condition of the natives of Alaska before and since the transfer of the Territory to the United States, whether it has been improved or not?

A. You mean natives generally?

Q. Yes, sir.

A. When I made that cruise in the Rush, in 1879, down about Fort Wrangel and Sitka they had some mission schools, and the general reputation of the native women there was exceedingly bad; that is, they would send girls to the mission schools until they learned to wash and clean themselves and then sell them to the miners. That was common report, but I never knew anything like that on the Aleutian Islands. The women at Athka were considered the handsomest and neatest women in the Territory, and I think they were the best looking women I saw, except on the seal islands.

Q. What do you say in regard to the natives of Alaska who have come in contact with the Alaska Commercial Company as to whether they are better or worse in those localities where the company has stations?

A. I think they are improved considerably, particularly at Ounalaska, where the company also maintains a school.

Q. Did the company build houses?

A. They built houses. They took out the old barabacas and made frame houses.

Q. That you know has nothing to do with the lease?

A. Nothing whatever. The Alaska Commercial Company has no monopoly at Ounalaska. Anybody that wants to can go there and do business.

Q. That is so anywhere in the Territory except on the seal islands?

A. Yes, sir. As I stated when I was here last summer, there was competition for the fur trade at various points—Kadiak, Unga, Ounalaska, St. Michael's, and other trading points.

Capt. L. G. Shepard sworn and examined.

The CHAIRMAN. The subject under investigation by this committee is the contract and lease made by the United States Government with the Alaska Commercial Company for the purpose of taking fur-seals in Alaska, and the extent to which this has been enforced or complied with, etc., by that company at any time.

Q. State what position you occupy.

A. I am captain of the United States revenue-cutter Richard Rush, and made two cruises to Alaska in the summers of 1887 and 1888.

Q. Did you observe the condition of the natives in other parts of Alaska to any great extent?

A. Yes, sir; along the Aleutian Islands.

Q. How did the natives of St. Paul and St. George compare with those of other parts of Alaska?

A. They are better clothed and better cared for on those islands, have much better houses to live in than those living in other settlements, excepting at Ounalaska. In a number of other places the houses are partly underground. In Ounalaska the company has made about the same provisions as have been made on the islands; has built at least forty houses, which they allow the natives to occupy free of rent.

Q. The condition of the natives on St. Paul and St. George is better than the natives elsewhere in that Territory?

A. Yes, sir. I understand the natives of those islands consider themselves the aristocracy of Western Alaska; it is looked upon as a privilege to be allowed to live there.

Jacob H. Moulton recalled and examined.

By the CHAIRMAN:

Q. Will you please state if at any time you have occupied an official position

under the Government in connection with the administration of the lease of the seal islands of Alaska, and at what time?

A. I was special agent of the Treasury Department at the seal islands from 1877 until 1885, eight years.

Q. State what your duties were there.

A. My duties were to see that the law in regard to the killing of seals was complied with and to take general charge of the native population of the island.

* * *
Cross-examination by Mr. JEFFRIES:

Q. What do you say, Mr. Moulton, as to the condition of the natives who have come in contact with the Alaska Commercial Company as compared with the other people of Alaska who have not come in contact with that company or with its agents?

A. I know the people very well in Ounalaska, as we always visited there going and coming. That is the only point of Alaska I ever visited except one spring I went to Kadiak. The condition of the natives of St. Paul is much superior to the natives of Ounalaska, while the condition of the natives of Ounalaska is much superior to the natives of Kadiak. That is as far as I observed. I know of nothing outside of those three points—the seal islands, Ounalaska, and Kadiak.

Q. Do you know whether the company has done anything in regard to ameliorating the condition of the people of Ounalaska?

A. Yes, sir.

Q. What have they done?

A. They have built houses there.

Q. Have they furnished a doctor?

A. Yes; a doctor and a school-house.

Q. Is that included in the contract with the seal islands?

A. No, sir.

Joseph B. Johnston sworn and examined.

By the CHAIRMAN:

Q. State to the reporter your name and place of residence, and the official position that you occupy, if any.

A. My name is Joseph B. Johnston, United States commissioner, stationed at Ounalaska. I reside there, and I have resided there for the last two years.

Q. Have you occupied that official position during those two years?

A. Yes, sir.

Q. From your observation during your official residence there, is it your opinion that the lease of the seal islands and their administration by the Government under the present policy exercises a deleterious influence to public interests in Alaska generally?

A. I think not; I know to the contrary.

Q. Do you know anything in their operations there which leads you to conclude that their influence is unfavorable to immigration and the settlement of the country?

A. I know nothing of that kind.

Q. Do you know of any act of the company or its agents which would tend to prevent and discourage other people from engaging in trade and commerce in that Territory?

A. I do not, and I never heard of any.

Q. I will be glad if you will state to the committee in a general way the result of your observation as relating to the administration of that interest there and the interests of the company in the Territory.

A. In the Territory in general or simply in regard to those islands?

Q. Their general influence and conduct.

A. I think the influence is good. I have traveled considerably over the Aleutian Islands; in fact, everywhere except at Attou and Athka. I have always found the company exerted a very good influence amongst the natives.

Q. Do they treat them humanely and kindly?

A. Yes, sir.

* * *
Cross-examination by Mr. JEFFRIES:

Q. How long have you been a United States commissioner of Alaska?

A. Since the 13th of September, 1886.

Q. Are you the son of ex-Senator Johnston, of Virginia?

A. Yes, sir.

Q. Where do you make your headquarters?

A. At Oonalaska.

Q. How many other commissioners are there for Alaska?

A. Three.

Q. Where are they?

A. One is at Sitka, one at Juneau, and the third at Fort Wrangel.

Q. Have you traveled pretty extensively over Alaska?

A. I have over the Aleutian Islands and Southeastern Alaska, near Sitka.

Q. Then you have some idea of the comparative condition of the natives on the seal islands with the other parts of Alaska which you have visited?

A. Yes, sir.

Q. What do you say as to their condition?

A. It is much superior to any other part of Alaska that I have been in.

Q. What do you say as to the conditions of the natives of Ounalaska since the Alaska Commercial Company commenced business there compared to what it was formerly?

A. I think it has improved wonderfully.

Q. What have they done for them?

A. They have given them houses to live in free of rent, and have furnished them a doctor and medical attendance free of charge.

Q. You are familiar with the law governing the lease of the seal islands generally?

A. Yes, sir.

Q. Are they required to do anything for the people of Oonalaska under their contract?

A. No, sir.

Q. Have the company built any houses on any of the other Aleutian Islands?

A. Yes, sir.

Q. Where?

A. At Belkovski, at Unga, at Wozensinski, Mozuvia, and at other places.

Q. At these points the company have trading stations?

A. Yes, sir.

Q. Is it wherever the company have trading stations that they make accommodations for the natives in regard to houses and furnish them medicines and dress? Is that the rule of the company?

A. That is the rule.

Q. Now, what do you say as to whether or not the condition of the natives of Alaska—I am speaking now outside of the seal islands—is improved wherever they have come in contact with the Alaska Commercial Company?

A. I believe their condition has been very much improved.

Q. Do you know Mr. Webster? But I believe you have testified to that.

By Mr. FELTON:

Q. Do I understand they are better clothed and better housed than they were before?

A. Yes, sir.
 Q. And a restraint is kept upon the selling of intoxicating liquors?
 A. There is no sale of intoxicating liquors.
 Q. Because these things are for the advantage of the company as well as for the natives of the islands?
 A. Yes, sir.
 Louis Kimmel sworn and examined.
 Q. What is your residence?
 A. My residence is La Fayette, Ind.
 Q. Have you at any time been an official of the Government, and if so, in what capacity and where?
 A. Yes, sir; I was assistant Treasury agent at the seal islands, stationed on St. George Island.

Q. Do you think the company exercises an influence on that Territory that prevents the occupation and settlement by emigrants?
 A. I do not think they interfere with that in the least.
 Q. You do not think their influence has interfered with anything of that sort?
 A. No, sir.
 Q. Has their influence on the natives been deleterious or beneficial?
 A. Beneficial.
 Q. You are satisfied the influence has been beneficial to the natives generally?
 A. Their condition has improved considerably.
 Charles A. Lutz sworn and examined.

By Mr. JEFFRIES:
 Q. What is your profession?
 A. Physician.
 Q. Are you a graduate of medicine?
 A. I am a graduate of the University of Pennsylvania.
 Q. Where have you practiced in former times?
 A. I have been mostly connected with the St. Luke's Hospital, South Bethlehem, Pa., and Mercy Hospital, in Pittsburgh. I also practiced a short time in Philadelphia.
 Q. Have you been stationed in Alaska recently?
 A. Since 1884.
 Q. Whereabouts in Alaska?
 A. I was most of the time on St. George Island, and during the summer I visited some of the other stations.

Q. Have you been around to other portions of Alaska?
 A. I visited St. Michaels and two or three other places.
 Q. St. Michaels is up on Behring Sea, 700 or 800 miles north. How do the natives of St. Michaels compare with the natives of St. George?
 A. I think the natives of St. George are very much superior.
 Q. What do you say as to the influence of the Alaska Commercial Company upon the natives of the section of the country where it is brought in contact with the people? Is it good or bad?
 A. It is very beneficial to them.
 Thomas Wilkinson sworn and examined.

By Mr. JEFFRIES:
 Q. Where do you live?
 A. San Francisco.
 Q. How long have you been living there?
 A. I have lived at San Francisco two years; at Oakland ten years.
 Q. What is your present business?
 A. Mining business in Alaska.
 Q. What part?
 A. Unga Island.
 Q. Where is that?
 A. East from Ounalaska about 250 miles.
 Q. That is one of the Aleutian Islands?
 A. Yes, sir.

Q. Have you visited many parts of Alaska?
 A. Most of it, I think, sir.
 Q. Been pretty nearly all over the whole Territory?
 A. Yes, sir.
 Q. Have you been on the seal islands?
 A. On St. Paul only.
 Q. I would like for you to state with regard to the condition of the natives of St. Paul Island as compared to the natives in the other parts of Alaska that you have visited.
 A. I think they are much more improved on St. Paul Island than in some other parts of Alaska.
 Q. What do you know as to what the company has done for the natives in Oonalaska?
 A. Well, they have built houses and given them free of rent, built school-houses and churches.
 Q. What do you say as to the different natives at such points as they come in contact with the Alaska Commercial Company as compared with the natives of other parts of the Territory where they do not come in contact with the company?
 A. I think they are much further advanced than in the Territory where they are not reached by the company.
 Q. Then you would say that the influence of the company has wrought good for the natives of Alaska; is that your judgment?
 A. Yes, sir; decidedly.
 Q. What portion of Alaska is it that the most densely populated with white people?
 A. Unga Island, Juneau, and Douglas Island, and up the Yukon, to which immigration tends, and mining to the business portion. There are many miners at the Yukon River, more than at any other part of the Territory.
 Q. How about Southeastern Alaska?
 A. I have not traveled a great deal through there.
 Q. Sitka?
 A. I stopped there and was in Sitka about a week. Ounalaska is far ahead of Sitka in regard to the natives there.
 Q. How about Kadiak?
 A. I was there twice. They all looked contented there, about the same as in Oonalaska.
 Q. Has the company a station there?
 A. Yes, sir; schools and churches; and they seem to be well contented.

APPENDIX B.

WASHINGTON, D. C., January 28, 1889.

SIR: I have the honor to transmit herewith for the information of your committee a copy of certain statements in regard to the conditions under which the salmon fisheries of Alaska are now being prosecuted, the same having been transmitted to me by Mr. Redding, commissioner of fisheries for California.

I beg to suggest to your honorable committee that prompt measures are necessary upon the part of the Government to place the salmon fisheries of the Alaskan region under such conditions as will insure their permanence. To prevent the ascent of the salmon to their spawning grounds will certainly result in a few years in the destruction of this valuable fishery. The erection of dams or barrages across the rivers and the use of fixed contrivances for the capture of salmon in the rivers, should be prohibited by law, under sufficient penalties actively and stringently enforced.

I respectfully transmit herewith memorandum of such legislation as appears necessary to provide for present emergencies, and will lay the foundation for such additional legislation as may be necessary to place the salmon fisheries of Alaska under permanent and regular conditions of production.

I have the honor to be, very respectfully,

MARSHALL McDONALD,
 Commissioner.

HON. PHINDEKTER DUNN,

Chairman Committee on Fisheries, House of Representatives.

The streams on the eastern shore of the Alaska Peninsula and the large islands, especially Kadiak and Afognak, are all small, running from lakes which are the objective point of the salmon for spawning purposes. These streams are in some cases mere rivulets where they empty into the ocean at low tide, and the largest two to three hundred feet in width, with but one to three feet of water when the tide is out. We are told the salmon returns to the place where he has spawned, and having arrived at maturity at sea, seeks his native water, there to spawn and die.

This past season parties on the Karluk River, on Kadiak Island, conceived the idea of putting up a tight dam, merely using stakes and wire-netting, intending, no doubt, to take what fish they required and allowing the remainder to pass up to the lake; but no less than four other canneries started for the same place, consequently to supply all the river was closed from in May to October, the fish surging back and forward with the tide. The result was one company packed over 100,000 cases of salmon, and all the rest filled all their cans and made a perfect success. No care was taken of the surplus fish, and tens of thousands rotted on the banks. The remarkable success of these canneries was such and the wide publicity given as to the pack has so excited both those engaged in this industry and more who know nothing of the business to organize expeditions, and all on this grand scale, to pack salmon in Alaska, until something over twenty-five new parties will be in the field, and all old canners doubling up on their present plant.

Now the point is, let this number of people locate on these small streams, shut the fish off from their spawning grounds, and in five years there will not be a fish left. To-day there is not a location east of the Peninsular and Aleutian Islands but is taken up, and it is a mistaken idea that the fish of commerce abound in every stream. Many of them have the dog, humpback, gaboose, salmon, which are white in color, and no good to can. The salmon interests of Alaska will yield from four to five million dollars annually if properly fostered and legitimately caught; but under this damming process an unlimited supply can be had for a few years and then we have the Sacramento River over again, no fish. Karluk River, on Kadiak Island, will be the objective point for several canneries. Afognak Island, Chignuk Bay, are points now known on which plants will be put up.

Kadiak Island is some 80 miles in length, and there are more or less streams, all of which will be prospected or have already been. Now if all these expeditions are allowed to proceed and catch fish in this way this year there will be no doubt as to their success in packing the fish, and another year must see the number doubled, and how long will it take to locate every stream in Alaska, and they are not so numerous as many suppose. The first of these vessels will be starting by the middle of February, and immediately steps should be taken by the Secretary of the Interior, if he has the power, that this illicit mode of fishing would not be allowed, and the penalty should be severe, and if conviction came by informers they should get a large reward.

The Government cutters are cruising in those waters, and could make rigid examination of those known and prominent places, especially Karluk River, Afognak, and Chignuk Bay. If the seal are worth protecting, how much more the salmon; and as there is no law the Government should take immediate and severe action. If the Secretary of the Interior has the power, notice should at once be given in our papers or at custom-house, that this mode of fishing would not be allowed.

WASHINGTON, D. C., January 26, 1889.

SIR: In response to your request for information concerning the salt-water fisheries of Alaska, I have the honor to make the following report:

THE FOOD-FISHES.

Cod and halibut are the principal salt-water food-fishes of the Northern Pacific as they are of the Northern Atlantic coast. The species are identical in the two oceans. In the Pacific Ocean both species have practically the same distribution and the same center of abundance. Cod have been recorded, doubtfully, from as far south as the Farallone Islands, off San Francisco. They occur on Heceta Bank, off the coast of Oregon, in the vicinity of the Straits of Fuca, and on the coast of British Columbia. From this point they range continuously northward along the Alaskan coast to St. Lawrence Island and Norton Sound, in the northern part of Behring Sea. They are most abundant in the Alaskan region, between Sitka and probably the central part of Behring Sea, becoming scarce in the northern part of that sea, and affording the most extensive fisheries along the coasts and islands and upon the off-shore banks south of Kenai and Alaska Peninsulas, along the line of the Aleutian Islands, as far to the westward as Atka, and in the southern part of Behring Sea.

The halibut also ranges from the Farallone Islands to Behring Straits, and is exceedingly abundant along the central Alaskan coast, associated with the cod. Salmon of several species, for which the Alaskan rivers are justly noted, are also sometimes captured in salt water, but only in the bays and harbors, respecting which no question of ownership can arise. These and the remaining food and bait fishes of Alaska are briefly discussed as to the distribution, abundance, and uses, in the inclosed report by Dr. T. H. Bean, the ichthyologist of this commission.

THE FISHING GROUNDS.

The natives are greatly dependent upon the catch of halibut for supplying their own wants, but the only important commercial fishery conducted at present in salt water is directed toward the cod. Cod and halibut banks are found among the islands of Southeastern Alaska, and a very limited fishery is carried on in that region, and also along the coast to the northward of Sitka, as far as the Kenai Peninsula. The principal grounds resorted to are, however, located on the submerged continental plateau south of the Kenai and Alaska Peninsulas, and in the vicinity of Unimak and Unalaska Islands. That portion of the submerged plateau situated between Middleton Island, south of Prince William's Sound, and the island of Unalaska is covered with a succession of banks and island groups, which afford almost continuous fishing grounds, whose richness in marine products is only comparable with that of the great fishing banks of eastern North America.

Parts of this region have been resorted to for the capture of cod during nearly thirty years, but, of course, only to a very limited extent compared with the fishing grounds of the eastern coast. The fishing has been carried on mostly within easy reach of the land in the vicinity of the Shumagin Islands, Unalaska,

and Kadiak. The existence of well-defined banks in this region has been known for a long time, their positions and characteristics having been determined in a general way from information obtained from the fishermen and from the occasional soundings of exploring vessels. The extent and contours of these banks and their exceeding richness in all parts have, however, only been ascertained during the past year, through the researches of the Fish Commission steamer Albatross, which spent about two months in making a preliminary survey of the region.

Five of these banks were developed by the steamer Albatross, and several others partly explored. They are located, as a whole, much nearer the coast line than the off-shore banks of New England and the British provinces, the most of them being within easy reach of secure harbors. They are limited on the outer side by the steep slope bordering the continental plateau, which varies in width from about 80 miles at the eastern end to about 40 miles at the western end, many of the banks reaching from this slope to the mainland, or to the shores of the adjacent islands. The entire length of the plateau, so far as it has been explored, is over 600 miles, and the extent of the fishing grounds examined, about 23,400 square geographical miles. All of this area abounds in cod and halibut, but some localities afford much better fishing and a better grade of fish than others, as is the case in all fishing regions. Good fishing occurs among the islands, and in the bays and harbors which indent the mainland coasts, especially at the mouth of Cook's Inlet and in Prince William's Sound, but the largest and best fish are taken off shore in the deeper waters.

The banks examined by the steamer Albatross during the summer of 1888 are as follows:

Portlock Bank.—This bank lies to the northward and eastward of Kadiak Island, and extends from near the island to about latitude 149° west. It covers an area of about 6,800 square miles inside of the 100-fathom line, being not greatly inferior in size to George's Bank, the total area of which is about 8,400 square miles.

Albatross Bank lies to the southeastward of Kadiak Island. It extends the entire length of the island, and reaches from the coast to the 100-fathom line. It is practically an extension of Portlock Bank and has an area of about 3,700 square miles. Many excellent harbors and convenient anchorages are located along the inner edge of this bank.

Between Kadiak and the region of the Shumagins but few soundings and trials for fish were made, but these were sufficient to prove the existence of rich fishing grounds in this locality, covering an estimated area of 4,400 square miles.

Shumagin Bank lies south and east of the Shumagin Islands, between which and the 100-fathom line it has an area of about 1,800 square miles. This is one of the best known of the Alaskan grounds, and has been much resorted to by the fishermen.

Between the Shumagins and the Sanakh Bank about 1,800 square miles of excellent fishing grounds have been partly explored.

Sanakh Bank lies south and east of the Sanakh Islands, and covers an area of about 1,300 square miles. Good fishing grounds are also reported from the region lying to north of the Sanakh Islands and west of the Sandman Reefs. It has not, however, been explored.

Davidson Bank extends from the region of Ugomok eastward to the vicinity of the Sanakhs, and contains an area of 1,600 square miles inside of the 100-fathom curve.

Between Unimak Pass and the western end of Unalashka Island an area of 2,000 square miles has been partly explored. Good fishing was found wherever trials were made.

The Aleutian Islands: Cod are abundant along the line of the Aleutian chain, as far as the island of Atka, and perhaps farther west, but as these islands, to the westward of Unalashka, are closely bounded by very deep water on both the northern and the southern sides, the fish are found only in the immediate vicinity of the islands. Good fishing occurs about Unalashka and between there and Unimak Island, exceptionally rich grounds for large fish being said to exist off the northern and southern entrances to Unimak Pass.

Behring Sea: Very little cod-fishing has yet been done in Behring Sea, and not much can positively be said of its resources in that respect except with reference to a few localities.

Captain Bryant wrote of this region that "Behring Sea is a mighty reservoir of cod and halibut, so that he never threw over his lines without bringing up fish in whatever part of the sea he might happen."

Professor Davidson, of the United States Coast Survey, has described its principal characteristics in the following brief manner: "The soundings of this sea and of the Arctic Ocean north of Behring's Strait indicate it as the most remarkable submarine plateau of such great extent yet known. On the eastern half of this sea soundings of less than 50 fathoms are found over an extent of 18,000 square miles."

Behring Sea has been surveyed only in its eastern and northern portions and adjacent to the Aleutian chain of islands. The depths increase very gradually from the shores of the Alaskan mainland, on the eastern side, and from the vicinity of Behring Strait in the north toward the central and southern portions of the sea the greatest known depths—excepting along the Aleutian Islands, 100 fathoms—occurring to the southeast of St. Matthew's Island and to the east of the Pribyloff group. The soundings of the United States steamer Tuscarora, in 1874, indicate a deep trough of 600 to 1,681 fathoms bordering the northern side of the Aleutian Islands from Unalashka to Tanaga.

Cod and halibut have been taken as far up as St. Lawrence Island and Norton Sound, but are said to be scarce in the northern part of the sea. These fish are also a favorite food of seals and sea lions, and are therefore not to be found in abundance around the rookeries of those animals. Vessels from San Francisco occasionally visit the southern and eastern parts of the sea, and have reported good fares, but the grounds about Unalashka, the Shumagins, and Kadiak are given the preference, as being located nearer the markets and having good harbors close at hand.

The Albatross entered Behring Sea through Unimak Pass but did not extend her investigations beyond the immediate vicinity of the islands adjacent to the pass, the work upon the southern grounds being considered the most important which she could undertake on the first cruise. The following information respecting the Behring Sea grounds was, however, obtained at Shumagin Islands. While at Humboldt Harbor, Popoff Island, the 1st of August, the schooner Arago, owned by Lynde & Hough, of San Francisco, arrived in port from a trip to Behring Sea, with a fare of 103,000 cod. She had been absent from San Francisco since April 12; began fishing May 18, and left the grounds July 12.

They found the best fishing in latitude 56° 40' north, from 10 to 15 miles off shore, in depths of 19 to 24 fathoms, the bottom being sandy. This spot is some distance south of the entrance to Bristol Bay. The Arago is of 176 tons burden and carries twenty-one men and twelve dories. Trawls have been tried, but were unsuccessful, as the fish caught on the hooks were quickly destroyed by the numerous small crustaceans living upon the bottom. All fishing is now done with hand-lines from dories. A few herring were taken along for the first baiting of the hooks to secure a supply of halibut, after which the latter species was exclusively used as bait. Mr. Torbin, the first mate of the Arago, stated that he had been engaged in fishing on the banks both to the north and south of the Alaska Peninsula, and considers the Behring Sea fish superior to the southern. Fog and rains are also less prevalent in Behring Sea than to the south of the peninsula.

A bank lying about 20 miles to the northward of Unimak Pass, called Slime Bank by the fishermen, has afforded some of the largest cod taken in Alaska,

and is occasionally resorted to by the fishermen. Only one vessel besides the Arago, the Dashing Wave, was engaged in fishing in Behring Sea during 1888. Only a single trip is usually made by a vessel in the course of one season; this year the Dashing Wave intended making a second trip, but the attempt was subsequently abandoned.

THE OKHOTSK SEA.

The shallow waters of the Okhotsk Sea were noted for their cod-fisheries before the Alaskan grounds were opened to American enterprise, and they are still visited to a limited extent by American fishing vessels from San Francisco. The grounds mostly resorted to at present are said to lie about 30 or 40 miles north of Saghalin Island, on the western side of the sea. Other good grounds are located on the eastern side of the sea, off the coast of Kamtschatka, and in the Kurile Straits. In 1866 about fifteen American vessels visited the Okhotsk Sea, but in recent years, and especially since the Alaskan grounds have become better known, the number has been much less.

GENERAL NOTES.

Cod are present on the Alaskan grounds during the entire year, but cold weather tends to drive them off from the shallow grounds into deeper water. The best seasons for fishing occur at different times in different localities. A part of the shore-fish approach the islands in separate schools, as is also the case on the Atlantic coast. These schools are classed as follows, in the order of their appearance, which continues from about May 1 in to September, namely: The herring school, the lant school, the capelin school, and the squid school. The last-mentioned school is composed of the largest fish, averaging about 12 pounds each, but the bank fish are still larger.

The majority of the Alaskan cod sent to market are, in size, below the average of the George's Bank fish, but it is to be remembered that the Alaskan fishery has so far been chiefly limited to the immediate vicinity of the islands, where the fish are much smaller than upon the banks. A length of 28 inches is generally regarded as the standard for the eastern fish. In the trials made by the steamer Albatross the average size of the fish in each catch varied from about 25 to about 31 inches. These were, however, all short trials with hand-lines, and the fact is recognized among fishermen that the smaller fish take the bait first, the larger ones being finally "totted" up to the hooks. The visit of the Albatross to this region was also not made at the best season for obtaining large cod. The fish generally took the hook rapidly, both cod and halibut being secured at most of the trials.

The bait question will give no concern for many years. There is everywhere an abundance of fishes, squid, and clams, suited to this purpose, and it is now the custom to start out with only a sufficient amount of cured bait to begin fishing. The hooks quickly supply live bait, which appears never to be lacking. Halibut, yellow-fish, herring, sculpins, pollock, lant, and even salmon are among the fishes used.

I have the honor to be, very respectfully,

MARSHALL McDONALD,
United States Commissioner of Fisheries.

HON. POINDEXTER DUNN,
House of Representatives, Washington, D. C.

THE FOOD-FISHES OF ALASKA.

[By Dr. T. H. Bean.]

There are at present known from the Territory of Alaska one hundred and thirty-five species of fishes, nearly all of which inhabit either the fresh waters, the shallow waters along the shore, or the moderate depths of the ocean. Only two species of deep-sea fishes are recorded. No exploration of the deep waters had been attempted until the cruise of the Albatross in the Gulf of Alaska in 1888. The collections made during this cruise are in Washington, but have not yet been studied.

Of the 135 species known to exist in Alaska, 108 are marine, and the remainder either fresh water or anadromous. Sixty-two of the species are valuable for food, not including some other fishes which are extensively eaten by natives, but are not usually classed as food fishes.

The food fishes, as a rule, are abundant, and most of them are excessively common. Seventeen of the species grow to a very large size, particularly the halibut, the cod, the burbot, the cutus cod, the beshowe, the pike, Richardson's white fish, the nalma, or inconnu, the lake trout, the Dolly Varden, Clark's trout, Gardner's trout, and the five species of Pacific salmon. Most of the useful species are very widely distributed in the waters of the Territory.

Flounders exist everywhere, but the larger kinds are limited to the Gulf of Alaska and Behring Sea. In the far north, while the number of individuals is very great, there are no large species. There are as many specimens of flounders and flat-fishes in the seas of Alaska as in the corresponding latitudes of the Western Atlantic. The whole number of edible kinds in this family is nine; one of these, the stellate flounder, has perhaps the most extensive distribution in latitude of any species of the family, ranging as it does from the southern part of California to Mackenzie's River, or through about 37° of latitude. The halibut, which is identical with the well-known species of the Atlantic fishing banks, is very abundant in the Gulf of Alaska and in Behring Sea, except in localities where it is destroyed by fur-seals and other fish-eating mammals.

In Behring Sea the halibut is usually found up to the ice line. Its northern limit in summer appears to be in Norton Sound (latitude 64° north, longitude 163° west from Greenwich), where it occurs in the months of July, August, and September. Mr. Turner states that it is not common at St. Michael's, and rarely is found there above 20 inches in length. Among the Aleutian Islands it is a permanent resident, and is said to reach the enormous weight of 300 pounds. At the seal islands large halibut, too large to be destroyed by the sea-lion and the fur seal, are caught by the natives near the shores. The species is stated to range westward to the Okhotsk Sea. We may, therefore, consider it as established that Behring Sea furnishes suitable grounds for the permanent residence and reproduction of the halibut.

The cod family numbers six species of food-fishes, one of which, the burbot, inhabits fresh waters. This burbot is identical with the eastern species of the same name. In some of the Alaskan rivers, notably the Yukon, it reaches the enormous length of 5 feet, and specimens weighing 60 pounds have been recorded by Dall and Turner. This would make it a rival of the cod in size. Most of the members of this family in Northern Alaska are small, but the individuals of the species are excessively abundant in the Arctic portion of the Territory. The polar cod, which is the same as the species of that name in the North Atlantic, is one of the most important and valued of the food-fishes. The Signal Service party at Point Barrow, in 1881 to 1883, found them quite plenty at most seasons of the year. Murdock mentions this fish as one of the most important to the natives. It is found at St. Michael's in winter only. In Plover Bay, Siberia, we found plenty of them in August and September. The species grows to about 1 foot in length.

The wachna, so called by the Russian-speaking population, has received the name of tomcod from the white traders; the Eskimo call it ekathlook. This is an Arctic species, but was not obtained by the Point Barrow party during their stay. At St. Michael's it is a constant resident and always abundant. It is an extremely valuable fish both for men and dogs. The species abounds in Behring Sea, and we found it very common in Cook's Inlet. It does not reach a greater length than 15 inches, and the maximum weight is a little more than a pound.

The little tomcod, which belongs to the same genus as the tomcod of New England, has not yet been obtained around the shores of Behring Sea; but in the Gulf of Alaska it is extremely plentiful, and is an excellent food-fish. Its size is small, scarcely reaching 1 foot in length.

The pollock of Alaska is a much smaller species than our pollock and very differently marked. It has dark longitudinal bands along the sides, and is a very slender fish. Although not used for food, it is one of the best known baits for cod. At the Shumagins and on the banks in the vicinity of Kadiak it is very common and extensively used for bait. This species is abundant also in Behring Sea, and extends to the Okhotsk. It reaches a length of about 2 feet and a weight of 5 or 6 pounds.

The Alaskan cod is one of the most valuable fishes in the Territory and one of the most plentiful. It grows as large as the Eastern cod, from which it does not differ specifically. It congregates in schools and is distinguished by the fishermen according to the kind of food upon which it may be feeding. The schools of cod are known by the same names as in the East; for example, the shore fish about the Shumagins and Kadiak, named in the order of their appearance, are the herring school, the lant school, the capelin school, the squid school, and the winter school. Besides these there is an abundance of bank fish made up of larger individuals than the shore fish. The favorite food species, as indicated by the names of the schools, are excessively abundant. There is reliable information to the effect that schools of herring many miles in extent appear frequently about the fishing shores.

I have taken forty good sized capelin from the stomach of a rather small cod on Marmot Island bank. In fact bait is so plentiful that fishermen can get their supplies upon the grounds with the greatest ease. In Behring Sea the cod is just as abundant as in the Gulf of Alaska, but the banks are less clearly marked out. Cod have been caught on the American shores as far north as 64° 30'. The greatest centers of abundance known at present to the fishermen are about the Shumagin Islands, Cook's Inlet, and throughout the Aleutian chain. Young cod are among the commonest shore fishes at Kadiak, the Shumagins, and Unalaska, and the principal fishing for the large fish in most localities is at distances from the shore so small that the men go out to the grounds and bring in their catch in dories.

There is in the Gulf of Alaska and in Behring Sea, especially at Unalaska, small fish called cusk, which is not closely related to the cusk of New England, but belongs to the family of *Trachinidae*. This fish seldom exceeds a foot in length and is not used for food, but at the Shumagin Islands it is one of the most valuable of all the baits for cod.

The sculpins are among the most numerous of fishes in Alaska, constituting nearly one-fifth of the entire known fauna. Probably the largest sculpins in the world are found in that country. I have seen specimens measuring 30 inches. Two of the species are excellent for food and many of the others furnish food for fishes and other aquatic animals. The species which I have personally tasted and found to be acceptable food are distinguished by strips of scales along the sides.

The family of *Scorpenidae*, which in New England waters is represented by the well-known red fish, Norway haddock, or brim, includes seven species in Alaska. These are among the choice food fishes of the Territory. They appear to the Gulf of Alaska. The name usually applied to this fish is rock bass. The red rock bass grows to a length of 18 inches; the black-banded rock bass, 15 inches; the black rock bass reaches a length of 20 inches; the clouded rock bass, 12 inches; the mottled rock bass, nearly 2 feet, and the other species about 15 inches. All of them take the hook very freely, and are found usually in moderate depths.

The so-called rock cods, members of the family *Chiridae*, are, also, very abundant and highly prized as food. They belong to the genera *Hexagrammus*, with the species of small or moderate size; *Pleuragrammus*, also of moderate size; *Ophiodon*, which is one of the largest fishes in the Territory, and *Anoplopoma*, another very large species. The species of *Hexagrammus* are styled rock cod, although they have no relation to the cod family. Another name for some of the species is green fish, because of the green color of the flesh before cooking. Among the Russians they are known as torpoog. One of the species extends as far north as Port Clarence. All of them are found in Behring Sea. The largest species grows to a length of 18 inches.

The *Pleuragrammus* has several common names: Atka fish, Atka mackerel, striped fish, and yellow fish. In the western part of the Gulf of Alaska and about the Aleutian Islands this fish occurs in great schools. In deep water about the Shumagins it is very common, and is one of the finest known baits for cod fish. It is also very abundant off Atka. It can be taken in purse seines like the mackerel and, when prepared in the same way, it strongly resembles this fish in taste. It deserves to be ranked among the most important of the commercial species.

The *Ophiodon*, commonly called cultus cod, is a very valuable food-fish and a very common one from Santa Barbara to Southern Alaska. It grows to a length of over 3 feet and sometimes weighs nearly 40 pounds.

The *Anoplopoma* is known to the Indians of Washington Territory and northward as the "beshowe." This fish, without any reason whatever, has sometimes been styled the black cod, but this name should be at once suppressed. In the deep water off Puget Sound and Southeastern Alaska very large individuals are caught, some of them more than 2 feet in length. When smoked like the halibut it is highly esteemed. Small quantities have been shipped to New England for trial in this way, and met with great favor.

The sand lance or lant is extremely abundant about the shores of Alaska, extending northward at least to the Arctic Circle. It is chiefly valuable as food for cod, salmon, and other fishes.

The pike of Alaska is very plentiful in the Bristol Bay region, the Yukon, and the Kowak. It reaches a length of 39 inches, and is a very valuable food-fish.

The smelt of Alaska resembles our own; it is a very important food-fish, both in the fresh and the dried condition. It is most abundant in Behring Sea and northward.

The capelin occurs around the entire coast of Alaska, and furnishes food for the cod, halibut, salmon, and other commercial fishes.

The surf smelt of Southern Alaska is also a valuable species of food and bait. The eulachon is a very important food-fish both fresh and dried, and it is very attractive to other fishes. The fat or oil made from this fish is used as a substitute for butter, and, to some extent, to take the place of cod-liver oil. Salted eulachon are prepared on the west shores of Shellkoff Strait, and are said to be excellent for the table.

In the fresh waters there is a great wealth of whitefish, seven species being known in the Territory. One of these, Richardson's whitefish, reaches a weight of over 30 pounds.

Related to the whitefish is the inconnu, a very excellent food-fish, which grows to a length of 4 feet and sometimes weighs 50 pounds.

The grayling is very common in Alaska in the spring. It is a very handsome fish and much valued for food.

The trout of Alaska are very large and excessively numerous. The lake trout, so well and favorably known in our Great Lakes and elsewhere, is very abundant and grows very large in Alaska. Dr. Dawson found specimens measuring 30 inches in length.

The Dolly Varden trout is found everywhere, being known from the Colville and from various points throughout the limits of the Territory. It reaches a very large size and in the sea-run condition is extensively salted in Kadiak under the name of salmon trout.

Clark's trout attains to a weight of 20 pounds. It is very abundant at Sitka, Kadiak, and as far north as the Bristol Bay region.

Gardner's trout, also called the steel-head, is known from Southern Alaska and probably extends northward at least to Bristol Bay. It sometimes exceeds 20 pounds in weight.

The great salmon of the west coast are all found in Alaska. The Quinnet salmon, which is the largest of the five species, abounds even as far north as the Yukon. Specimens weighing over 80 pounds are found. Canneries using this and other species are located in various parts of the Territory, Sitka, Kadiak, and Cook's Inlet, and the fish is salted as far north as the Yukon. The abundance of salmon in Alaskan waters is marvelous. In the summer season every village along the coast is reddened with the drying-frames containing ukall in course of preparation for winter use.

The herring of Alaska resemble our own sea-herring very closely. They occur in countless multitudes, are fat and of excellent quality, and supply a notable amount of food for large fishes, and food and bait for fishermen. We have taken them all around the coast as far north as Port Clarence, and they are said to occur as far north as the Colville River.

The spined dog-fish is very common in the Gulf of Alaska and it is a great nuisance to the fishermen. Its liver might be utilized for oil, as they are on the New England coast, and the remainder as a fertilizer.

The sleeper shark is sufficiently common at Kadiak appearing during the salmon run in schools of thirty to fifty. Turner has seen specimens weighing 340 pounds. The natives drain the oil out of the livers and use them as food.

A fresh-water lamprey is particularly abundant in the Yukon, and furnishes a vast amount of food, which is highly relished by the natives. It is caught in enormous numbers through the ice and left to freeze where it falls. Turner says that a native, provided with a stick having left upon it several prongs, can easily pull out a wagon-load by a couple hours' labor.

APPENDIX C.

RUSSIA, 1824.—CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF RUSSIA, RELATIVE TO NAVIGATION, FISHING, ETC., IN THE PACIFIC OCEAN, CONCLUDED AT ST. PETERSBURG APRIL 5 (17), 1824; RATIFICATION ADVISED BY SENATE JANUARY 5, 1825; RATIFIED BY PRESIDENT JANUARY 7, 1825; RATIFICATIONS EXCHANGED AT WASHINGTON JANUARY 11, 1825; PROCLAIMED JANUARY 12, 1825.

[Convention between the United States of America and Russia. Translation from the original, which is in the French language.]

In the name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord by means of the present convention, have named as their plenipotentiaries to this effect, to wit:

The President of the United States of America, Henry Middleton, a citizen of said States, and their envoy extraordinary and minister plenipotentiary near His Imperial Majesty; and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual privy counselor, member of the council of state, secretary of state, directing the administration of foreign affairs, actual chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honor of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wurtemberg, of the Guelphs of Hanover, of the Belgic Lion, or Fidelity of Baden, and of St. Constantine of Parma; and Pierre de Poletica, actual counselor of state, Knight of the Order of St. Anne of the first class, and Grand Cross of the Order of St. Vladimir of the second;

Who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations:

ART. I. It is agreed that in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ART. II. With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the northwest coast.

ART. III. It is moreover agreed that hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54 degrees and 40 minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ART. IV. It is nevertheless understood that during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ART. V. All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind are always excepted from this same commerce permitted by the preceding article; and the two powers engage reciprocally neither to sell nor suffer them to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext nor be advanced in any case to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting powers reciprocally reserving to themselves to determine upon the penalties to be incurred and to inflict the punishments in case of the contravention of this article by their respective citizens or subjects.

ART. VI. When this convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed this convention and thereto affixed the seals of their arms.

Done at St. Petersburg, the 17 (5) April of the year of grace 1824.

HENRY MIDDLETON.

Le Comte CHARLES DE NESSELRODE.

PIERRE DE POLETICA.

[L. S.]

[L. S.]

[L. S.]

RUSSIA, 1867.—CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF RUSSIA, FOR THE CESSION OF THE RUSSIAN POSSESSIONS IN NORTH AMERICA TO THE UNITED STATES, CONCLUDED AT WASHINGTON MARCH 30, 1867; RATIFICATION ADVISED BY SENATE APRIL 9, 1867; RATIFIED BY PRESIDENT MAY 28, 1867; RATIFICATIONS EXCHANGED AT WASHINGTON JUNE 20, 1867; PROCLAIMED JUNE 20, 1867.

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their plenipotentiaries, the President of the United States, William H. Seward, Secretary of State, and His Majesty the Emperor of all the Russias, the Privy Counselor Edward de Stoeckl, his envoy extraordinary and minister plenipotentiary to the United States;

And the said plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ART. I. His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain of February 28 (16), 1825, and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54° 40' north latitude, and between the one hundred and thirty-first and one hundred and thirty-third degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the fifty-sixth degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountain situated parallel to the coast, as far as the point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the one hundred and forty-first degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1. That the island called Prince of Wales Island shall belong wholly to Russia" (now, by this cession, to the United States).

"2. That whenever the summit of the mountains which extend in a direction parallel to the coast from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned (that is to say, the limit to the possessions ceded by this convention), shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of 10 marine leagues therefrom."

The western limit within which the territories and dominion conveyed are contained passes through a point in Behring's Straits on the parallel of 65° 30' north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski to the meridian of 172 west longitude; thence from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group, in the North Pacific Ocean, to the meridian of 193° west longitude, so as to include in the territory conveyed the whole of the Alutian Islands east of that meridian.

ART. II. In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed that the churches which have been built in the ceded territory by the Russian Government shall remain the property of such members of the Greek Oriental Church resident in the territory as may choose to worship therein. Any Government archives, papers, and documents relative to the territory and dominion aforesaid which may now be existing there will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required will be at all times given by the United States to the Russian Government or to such Russian officers or subjects as they may apply for.

ART. III. The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

ART. IV. His Majesty the Emperor of all the Russias shall appoint, with convenient dispatch, an agent or agents for the purpose of formally delivering to a similar agent or agents, appointed on behalf of the United States, the territory, dominion, property, dependencies, and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ART. V. Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ART. VI. In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of His Majesty the Emperor of all the Russias, duly authorized to receive the same, \$7,200,000 in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ART. VII. When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington the 30th day of March, in the year of our Lord 1877.

WILLIAM H. SEWARD. [L. S.]
EDOUARD DE STOECKL. [L. S.]

RUSSIA.—CONVENTION BETWEEN GREAT BRITAIN AND RUSSIA, SIGNED AT ST. PETERSBURG, FEBRUARY 28, 1825.

[Translation.]

In the name of the Most Holy and Undivided Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an agreement which may settle, upon the basis of reciprocal convenience, different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean as well as the limits of their respective possessions on the northwest coast of America, have named plenipotentiaries to conclude a convention for this purpose, that is to say: His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Hon. Stratford Canning, a member of His said Majesty's most honorable privy council; etc., and His Majesty the Emperor of all the Russias, the Sieur Charles Robert Count de Nesselrode, His Imperial Majesty's privy counselor, a member of the council of the empire, secretary of state for the department of foreign affairs, etc., and Sieur Pierre de Poletica, His Imperial Majesty's counselor of state, etc., who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles:

ART. I. It is agreed that the respective subjects of the high contracting parties shall not be troubled or molested in any part of the ocean commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following articles.

ART. II. In order to prevent the right of navigating and fishing, exercised upon the ocean by the subjects of the high contracting parties from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment without the permission of the governor or commandant; and, on the other hand, that Russian subjects shall not land, without permission, at any British establishment on the northwest coast.

ART. III. The line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the islands of America to the northwest shall be drawn in the manner following:

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54° 40' north latitude, and between the one hundred and thirty-first and one hundred and thirty-third degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the fifty-sixth degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the one hundred and forty-first degree in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the northwest.

ART. IV. With reference to the line of demarcation laid down in the preceding article it is understood:

First. That the island called Prince of Wales Island shall belong wholly to Russia.

Second. That whenever the summit of the mountains which extend in a direction parallel to the coast, from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.

ART. V. It is moreover agreed that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other; consequently British subjects shall not form any establishment either upon the coast or upon the border of the continent comprised within the limits of the Russian possessions as designated in the two preceding articles; and in like manner no establishment shall be formed by Russian subjects beyond the said limits.

ART. VI. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean or from the interior of the continent, shall forever enjoy the right of navigating freely and without any hindrance whatever all the rivers and streams which in their course towards the Pacific Ocean may cross the line of demarcation upon the line of coast described in Article III of the present convention.

ART. VII. It is also understood that for the space of ten years from the signature of the present convention the vessels of the two powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the island seas, the gulfs, havens, and creeks on the coast mentioned in Article III for the purposes of fishing and of trading with the natives.

ART. VIII. The port of Sitka or Novo Archangelsk shall be open to the commerce and vessels of British subjects for the space of ten years from the date of the exchange of the ratifications of the present convention. In the event of an extension of this term of ten years being granted to any other power the like extension shall be granted also to Great Britain.

ART. IX. The above-mentioned liberty of commerce shall not apply to the trade in spirituous liquors, in fire-arms, or other arms, gunpowder, or other warlike stores; the high contracting parties reciprocally engaging not to permit the above-mentioned articles to be sold or delivered, in any manner whatever, to the natives of the country.

ART. X. Every British or Russian vessel navigating the Pacific Ocean which may be compelled by storms or by accident to take shelter in the ports of the respective parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other than port and light-house dues, which shall be the same as those paid by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

ART. XI. In every case of complaint on account of an infraction of the articles of the present convention, the civil and military authorities of the high contracting parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial report of the matter to their respective courts, who engage to settle the same in a friendly manner and according to the principles of justice.

ART. XII. The present convention shall be ratified, and the ratifications shall be exchanged at London, within the space of six weeks, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at St. Petersburg the 28 (16) day of February, in the year of our Lord 1825.
 STRATFORD CANNING. [SEAL.]
 COMTE DE NESSELRÖDE. [SEAL.]
 PIERRE DE POLETICA. [SEAL.]

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2557) for the relief of W. W. Welch;
 A bill (H. R. 5752) for the relief of Julia Triggs;
 A bill (H. R. 6755) granting a pension to Mary Jane Harris;
 A bill (H. R. 9163) granting a pension to Eli Garrett;
 A bill (H. R. 11052) granting a pension to Clara M. Owen;
 A bill (H. R. 11223) to increase the pension of George A. Glover;
 A bill (H. R. 11378) granting a pension to James S. Harden;
 A bill (H. R. 11459) granting a pension to Erasmus W. Jones;
 A bill (H. R. 11578) to increase the pension of Rowland Ward;
 A bill (H. R. 11624) to increase the pension of Jacob Rogers;
 A bill (H. R. 11629) granting a pension to Elizabeth Clover;
 A bill (H. R. 11757) granting a pension to Rebecca H. Lyon; and
 A bill (H. R. 12039) granting a pension to Thirza S. Jenner.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. TOWNSHEND. Mr. Speaker, I am authorized by the Committee on Military Affairs to report back the bill (H. R. 11854) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1890, and to ask concurrence in the Senate amendments thereto. The amendments are all merely verbal with one exception. We ingrafted upon the bill as it passed the House an appropriation of \$1,500 for a riding master, which the Senate has stricken out. The Committee on Military Affairs have concluded to recommend concurrence in all of the Senate amendments, and I now ask that those amendments be concurred in.

Mr. HOLMAN. I hope the gentleman will state the substance of the most important of the amendments.

Mr. TOWNSHEND. I have just stated that with the exception of some verbal amendments which are entirely unimportant in their character the only amendment of the Senate is one striking out the sum of \$1,500, reducing by that amount the appropriations embraced in the bill.

The SPEAKER. If there be no objection, the amendments will be concurred in.

There being no objection, it was ordered accordingly.

Mr. TOWNSHEND moved to reconsider the vote by which the amendments were concurred in, and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

HOMESTEAD ENTRY OF PUBLIC LANDS.

Mr. MCADOO. I yield for a moment to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN, by unanimous consent, reported back with amendments, from the Committee on the Public Lands, the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only; which, with the amendments, was ordered to be printed and recommitted.

ORDER OF BUSINESS.

Mr. STRUBLE. I rise to call up a privileged question—a motion to reconsider.

The SPEAKER. The gentleman from Iowa [Mr. STRUBLE] calls up a privileged question, the motion to reconsider a vote heretofore taken in the House.

Mr. ROGERS. I ask the gentleman from Iowa to allow me to make a report from the Committee on the Judiciary.

Mr. STRUBLE. Very well; I do not object.

Mr. ROGERS. The Committee on the Judiciary this morning by a unanimous vote instructed me to report back a resolution of investigation referred to the committee some days since, and to ask that it lie on the table. The committee also instructed me to report back Senate bill No. 3865 and to ask that it be printed and recommitted, with leave to report at any time.

JURISDICTION OF CIRCUIT COURTS.

The SPEAKER. The resolution reported back from the Committee on the Judiciary by the gentleman from Arkansas [Mr. ROGERS] will be read.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of amending the existing laws regulating the jurisdiction of the circuit courts of the United States, in order to correct the practice reported to exist in some of said courts of allowing suits to be maintained therein by assignees of chases in action, not made by a corporation, which could not have been maintained therein if no assignment had been made, and that said committee report by bill or otherwise.

The SPEAKER. If there is no objection, this resolution will lie on the table, as proposed by the Committee on the Judiciary.

There was no objection, and it was ordered accordingly.

WRITS OF ERROR, ETC., TO THE SUPREME COURT.

The SPEAKER. The gentleman from Arkansas [Mr. ROGERS] now desires leave to report back from the Committee on the Judiciary the bill the title of which will be read; and he asks that the same be recommitted to the Committee on the Judiciary, with leave to report at any time.

The Clerk read the title of the bill, as follows:

A bill (S. 12433) to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. HOPKINS, of Illinois. Let the bill be read.

Mr. ROGERS. Let me explain this matter in a sentence. This bill has been unanimously reported by the Senate committee as well as by the House committee; and it is designed simply to correct an error of practice in some of the courts below.

Mr. HOPKINS, of Illinois. Let us have the bill read.

The bill was read.

Mr. BUCHANAN. I desire to make a parliamentary inquiry. Does the right to report at any time carry with it the right also of consideration?

The SPEAKER. It does.

Mr. BUCHANAN. Then I object.

The SPEAKER. Objection is made to the request for leave to report at any time. If there be no objection, the bill will be ordered to be printed and recommitted.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Iowa [Mr. STRUBLE] now calls up a privileged question.

Mr. MCADOO. I rise to a question of order. I was recognized by the Speaker for the purpose of calling up the business of the morning hour, my object being to have the House go into Committee of the Whole to take up a bill from the Committee on the Militia, which is now on the Calendar of unfinished business. I had not yielded the floor. I did yield temporarily to the gentleman from Arkansas [Mr. ROGERS] and the gentleman from Indiana [Mr. HOLMAN] in order that they might submit their reports, but I understood I was still in possession of the floor when the gentleman from Iowa rose and claimed the attention of the Chair.

The SPEAKER. For what purpose could the gentleman hold the floor? The gentleman made a motion, and of course when that motion was made he did not continue to hold the floor. Pending that proposition the gentleman from Iowa called up a privileged question. The gentleman from New Jersey can raise the question of consideration against the proposition of the gentleman from Iowa.

Mr. STRUBLE. I hope the gentleman from New Jersey will not do that. This matter will take but a short time.

MRS. GENERAL WARD B. BURNETT.

The SPEAKER. The motion which the gentleman from Iowa now calls up is to reconsider the vote by which the House rejected the bill the title of which will be read.

The Clerk read as follows:

A bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett.

Mr. MCADOO. Against that I raise the question of consideration.

Mr. STRUBLE. I would be glad to say one word before that question is put.

The SPEAKER. The question is, will the House proceed to the consideration of the motion to reconsider called up by the gentleman from Iowa [Mr. STRUBLE]?

Mr. STRUBLE. I ask for a division.

The House divided; and there were—ayes 62, noes 63.

Mr. STRUBLE. Tellers.

The SPEAKER appointed as tellers Mr. STRUBLE and Mr. MCADOO.

The House again divided; and the tellers reported—ayes 74, noes 76.

The SPEAKER. No quorum has yet voted.

Mr. STRUBLE. Under the circumstances I do not make the point of no quorum.

So the House refused to consider the question.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills begins at twenty minutes past 4 o'clock.

Mr. ROGERS. I ask for a moment to state that the gentleman from New Jersey [Mr. BUCHANAN], on the opposite side, withdraws his objection to the request I made.

The SPEAKER. Does the gentleman from New Jersey withdraw his objection?

Mr. BUCHANAN. I made objection not because I had objection to the bill so much as I had to the new plan of getting right of way in the House. I withdraw my objection.

Mr. GROSVENOR. I renew the objection.

DISTRICT MILITIA.

The SPEAKER. The call rests with the Committee on the Militia. Mr. MCADOO. I move to go into the Committee of the Whole House on the state of the Union for the purpose of considering the unfinished business on the Calendar.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. McMILLIN in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 4961) to amend the act entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," passed March 3, 1803.

Mr. MCADOO. When this bill was last under consideration the committee was dividing on the motion to rise and report the bill to the House with the recommendation that it do pass. I ask by unanimous consent to go back and amend the bill in several particulars. I do this after full discussion with those opposed to it and with their consent. These amendments will take away the objection they had to the bill.

The CHAIRMAN. The amendments will be read in their order.

Mr. MCADOO. In the first place, I will say I have reduced the infantry companies from thirty-six to twenty-eight. I have struck out the portion referring to a cavalry company; and also the section precluding independent military companies parading.

Mr. BLOUNT. Send up the amendments.

Mr. MCADOO. Certainly. I move, in section 5, page 11, to strike out "thirty-six" and in lieu thereof to insert "twenty-eight;" so it will read:

SEC. 11. That in time of peace the National Guard shall consist of not more than twenty-eight companies of infantry, which shall be arranged by the commanding general into such regiments, battalions, and unattached companies as he may deem expedient, etc.

The amendment was agreed to.

Mr. MCADOO. In the same section I move to strike out "one troop of cavalry."

The amendment was agreed to.

Mr. MCADOO. I move to strike out section 15, which is as follows:

SEC. 15. That to the troop of cavalry there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, five sergeants, eight corporals, two trumpeters, and not more than eighty-three privates; and the minimum number of enlisted men shall be forty.

The motion was agreed to.

Mr. MCADOO. I move to strike out section 58, as follows:

SEC. 58. That during the annual encampment, and on every duty or parade ordered by the commanding general, there may be employed such number of horses as the commanding general may authorize for the use of the battery of light artillery, the troop of cavalry, the ambulance corps, the signal corps, and the non-commissioned general staff, the cost of which shall be paid in the manner provided in section 60.

The CHAIRMAN. Is there objection to recurring to this part of the bill to offer the amendment just read?

There was no objection.

The amendment was adopted.

Mr. MCADOO. The next amendment is, on page 25, to strike out section 66.

The CHAIRMAN. The Chair is informed by the Clerk that the section was stricken out when the bill was under consideration before.

Mr. MCADOO. I suggest that it be read for the purpose of showing to the House what was stricken out.

The Clerk read as follows:

SEC. 66. That it shall be a misdemeanor for any body of men, other than the regularly organized militia and the troops of the United States, except such independent military organizations as are now in existence, to associate themselves together as a military company or organization, or meet for drill with arms, or parade in public with arms, without the permission of the commanding general; and whoever belongs to or parades with any such unauthorized body of men with arms shall be punished by imprisonment for not exceeding six months, or by a fine not exceeding \$50, or by both; and the police court of the District of Columbia shall have jurisdiction of misdemeanors under the provisions of this section.

Mr. MCADOO. That has already been stricken out. If nobody now wishes to discuss the bill, and as we have had a very full discussion of it heretofore, I move that the committee rise and report it favorably to the House.

Mr. BREWER. I would like to ask the gentleman from New Jersey how much of the bill is left after all of this is stricken out?

Mr. MCADOO. Twenty-eight companies of infantry, amply sufficient to take care of the German war when it comes along.

Mr. BREWER. Any cavalry?

Mr. MCADOO. No, sir; they have disappeared; they were lost in the legislative charge when the bill was last up. [Laughter.] I move the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, Mr. McMILLIN reported that the Committee of the Whole House on the state of the Union, having un-

der consideration the bill (H. R. 4961), had instructed him to report the same to the House favorably with amendments.

Mr. MCADOO. I ask the previous question on the amendments and the third reading of the bill.

The previous question was ordered.

The SPEAKER *pro tempore*. Is a separate vote demanded upon any amendment? If not the vote will be taken in gross.

The amendments were adopted.

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

Mr. MCADOO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINT OF OKLAHOMA BILL.

Mr. McMILLIN. I move that the House do now adjourn.

Mr. STRUBLE. I wish to submit a privileged motion.

Mr. McMILLIN. I understand the gentleman from Illinois desires to make a request, and I will withdraw the motion to permit him to do so. [Cries of "Regular order!"]

Mr. SPRINGER. I only desire to have a reprint ordered of the bill for the organization of the Territory of Oklahoma, for the use of the House to-morrow.

Mr. STRUBLE. I have a privileged matter I wish to call up.

Mr. SPRINGER. I hope gentlemen will not object to ordering a reprint of this bill. [Cries of "Regular order!"]

Mr. McMILLIN. I withdraw the motion for the purpose of allowing the gentleman to make his request, and if there is objection I will renew it.

Mr. SPRINGER. The Doorkeeper informs me that the Oklahoma bill is out of print. A number of gentlemen have called for it and failed to procure copies.

Mr. BUCHANAN. Do you ask to have it reprinted as it stands now amended?

Mr. SPRINGER. No; as it stands in the Committee of the Whole. When reported to the House the amendments will be printed.

Mr. BUCHANAN. Let the amendments so far as agreed upon in committee be printed with the bill.

Mr. SPRINGER. I have no objection to that; and I ask that the amendments be printed in italics, and that the bill H. R. 10614, with the amendments as agreed upon in committee, be reprinted for the use of the House.

There was no objection, and it was so ordered.

And then, on motion of Mr. McMILLIN (at 4 o'clock and 40 minutes p. m.), the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. DINGLEY: A bill (H. R. 12434) to establish a life-saving station on the Atlantic coast at or near the mouth of St. George River, Maine—to the Committee on Commerce.

By Mr. DUNN (by request): A bill (H. R. 12435) for the relief of the heirs of Richard Higgins, deceased—to the Committee on War Claims.

By Mr. GALLINGER: A bill (H. R. 12436) to amend the military record of William Allen—to the Committee on Military Affairs.

By Mr. GIFFORD: A bill (H. R. 12437) granting the right of way to the Sturgis and Fort Meade Motor Line across the Fort Meade military reservation in Dakota—to the Committee on Military Affairs.

By Mr. GLASS: A bill (H. R. 12438) for the relief of A. H. Dunlap—to the Committee on War Claims.

By Mr. GUENTHER: A bill (H. R. 12439) granting a pension to John Lanbenheimer—to the Committee on Invalid Pensions.

By Mr. OWEN: A bill (H. R. 12440) granting a pension to Simon Burris—to the Committee on Invalid Pensions.

By Mr. HENRY SMITH: A bill (H. R. 12441) granting a pension to Laughlin Cameron—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 12442) to increase the pension of Edward P. Quinn—to the Committee on Invalid Pensions.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 10958) for the relief of Alanson V. Brooks—from the Committee on Military Affairs to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARNES: Petition of William Donovan, of Jefferson County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Memorial of Philip Noonan, of Louisiana,

for an appropriation to test his patent for utilizing wave motions on railway tracks—to the Committee on Railways and Canals.

By Mr. BROWER: Petition of J. G. Greer, administrator of Maria Pippin, of Livingston County, Kentucky, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. BROWN: Petition of the Tobacco Association of Lynchburgh, Va., asking immediate repeal of the tobacco tax—to the Committee on Appropriations.

By Mr. BURNETT: Petition of farmers of Ashland Grange, Massachusetts, for protection to agriculture—to the Committee on Agriculture.

By Mr. BURROWS: Protest of 13,000 citizens of Utah Territory, against its admission to the Union as a State—to the Committee on the Territories.

By Mr. DOUGHERTY: Petition of B. Southwick, heir of Emily Southwick, of St. John's County, Florida, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FORNEY: Petition of estate of James Bundren, of De Kalb County, Alabama, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. MCKINLEY: Petition of citizens of Alliance County, Ohio, in favor of the Sunday-rest bill—to the Committee on the Judiciary.

Also, petition of M. D. Harter, of Mansfield, Ohio, for a reduction of tariff taxes to a revenue basis—to the Committee on Ways and Means.

By Mr. J. J. O'NEILL: Resolutions of South St. Louis Turnverein, protesting against the passage of Blair educational bill—to the Committee on Education.

By Mr. PETERS: Concurrent resolution of the Legislature of Kansas favoring the enrollment in the next census of all ex-soldiers and sailors—to the Committee on the Eleventh Census.

By Mr. PHELAN: Petition of W. H. Moncrief, of Fayette County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Charles F. Tising, for a pension—to the Committee on Invalid Pensions.

By Mr. SHAW: Petition of manufacturers, dealers, and consumers of canned goods, of Harford County, Maryland, for a drawback on tinplate—to the Committee on Ways and Means.

By Mr. HENRY SMITH: Joint resolution to quiet title in the United States to certain lands in Miller County, Arkansas—to the Committee on the Public Lands.

By Mr. T. L. THOMPSON: Petition for the admission of Washington Territory as a State—to the Committee on the Territories.

The following petitions praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BIGGS: Of C. S. Todman and 89 others, of Stockton, Cal.

By Mr. BOOTHMAN: Of J. W. Lilley and 213 others, of Hicksville, Ohio.

By Mr. BOUTELLE: Of Joseph D. Emery and 146 others, of Caribou, Me.

By Mr. BURNETT: Of E. W. Porter and 64 others, of Blackstone, Mass.

By Mr. J. E. CAMPBELL: Of Luther Townsley and 198 others, of Cedarville, Ohio.

By Mr. CASWELL: Of Elijah Favill and 49 others, of Lake Mills, Wis.

By Mr. COGSWELL: Of James T. Almy and 90 others, of Salem, Mass.

By Mr. COOPER: Of W. W. Vaughan and 28 others, of Mount Gilead, Ohio.

By Mr. DAVIS: Of John W. Bowles and 100 others, of Falmouth, Mass.

By Mr. GIFFORD: Of W. J. Musgrove and 165 others, of Drayton; of Alex. Cameron and 57 others of Tyner, and of Wilhelm Fritz and 116 others, of Cass and Ransom Counties, Dakota.

By Mr. GROSVENOR: Of M. C. True and 58 others, of Lower Salem, and of F. P. Ames and 128 others, of Marietta, Ohio.

By Mr. LODGE: Of William D. Pool and 52 others, of Lynn, Mass.

By Mr. MACDONALD: Of D. W. Ackerman and 48 others, of Stanton, and of Henry H. Tomlin and 6 others, of Jefferson, N. J.

By Mr. PETERS: Of J. B. Pulliam and 206 others, of Ulysses, Kans.

By Mr. PHELPS: Of John Whiteley and 365 others, of Paterson, N. J.

By Mr. PUGSLEY: Of A. L. Hartshorn and 177 others, of Waverly, Ohio.

By Mr. RICE: Of A. J. Smith and 19 others, of Ramsey, Minn.

By Mr. E. J. TURNER: Of G. Lytle and 133 others, of Downs, Kans.

By Mr. WILLIAMS: Of B. Judy and 142 others, of Troy, Ohio.

By Mr. YODER: Of Enoch Westerfield and 168 others, of Greenville, and of E. S. Dunham and 46 others, of Bluffton, Ohio.

SENATE.

WEDNESDAY, January 30, 1889.

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

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

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

CREDENTIALS.

The PRESIDENT *pro tempore* presented to the Senate the credentials of PRESTON B. PLUMB, chosen by the Legislature of Kansas a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a concurrent resolution of the Legislature of Kansas, favoring the opening of the Indian Territory to settlement; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 7, by Senator Murdock.

Resolved by the senate (the house of representatives concurring therein). That we deem it for the best interests of the country that the Indian Territory be immediately opened for settlement.

That our Senators in Congress be instructed, and our Representatives be requested, to use all proper means to secure legislation in accordance with the sentiment herein expressed.

The secretary of state is hereby directed to transmit a certified copy of this resolution to each Senator and Member of the House of Representatives of this State in Congress.

STATE OF KANSAS, OFFICE OF SECRETARY OF STATE.

I, William Higgins, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original concurrent resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 26th day of January, A. D. 1889.

[SEAL.]

WM. HIGGINS, Secretary of State.

The PRESIDENT *pro tempore* presented a petition of citizens of Kansas, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. PLUMB presented a concurrent resolution of the house of representatives of the Legislature of Kansas, favoring a reduction of the price of lands to pre-emptors within railroad limits; which was referred to the Committee on Public Lands.

Mr. PLUMB. I also present a concurrent resolution of the Legislature of Kansas, to the same effect as the one just laid before the Senate by the Presiding Officer, favoring the opening of the Indian Territory to settlement. I move that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. BUTLER presented a petition of 14 citizens of Charleston, S. C., praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. BLODGETT presented a petition of members of the First Presbyterian Church of Stanhope, N. J., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the petition of Job S. Haines and 105 others (46 voters and 60 women), citizens of East Greenwich Township, New Jersey, praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

PRINTING OF SUNDAY-REST HEARING.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a concurrent resolution to print the hearing before the Committee on Education and Labor on the Sunday-rest bill, to report it favorably without amendment. I ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the concurrent resolution submitted by Mr. MANDERSON, January 28, 1889, as follows:

Resolved by the Senate (the House of Representatives concurring therein). That there be printed for the use of Congress 32,000 extra copies of Senate Miscellaneous Document No. 43, Fiftieth Congress, second session, being the hearing before the Committee on Education and Labor on Senate bill 2983, known as the Sunday-rest bill, of which 10,000 copies shall be for the use of the Senate, 20,000 copies for the use of the House of Representatives, and 2,000 for the use of the Committee on Education and Labor of the Senate.

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

SINKING FUND OF UNION AND CENTRAL PACIFIC RAILROADS.

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

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate as to the amounts, respectively, in the sinking fund to the credit of the Union Pacific and Central Pacific Railroad Companies, respectively, on the 1st day of February, 1889, under the operation of what is commonly known as the "Thurman sinking-fund act;" stating the amounts of each invested in bonds, the character of bonds, and the amounts in cash to the credit of each company on said date, together with a statement of the market value in cash of the bonds to the credit of each of such companies on said date, and the difference in amount, if any, between such present cash value, including the cash on hand and the amount of cash that would have been in such fund to the credit of each of such companies on February 1, 1889, provided no investments whatever in bonds had been made of any portion of such funds.