

Justice Grier said what I read and will not repeat, and added, speaking of these jurisdictions:

That either or both—

That is the State authority and the national authority—  
may (if they see fit) punish such an offender, cannot be doubted—

That declaration, I submit, is a complete answer, as far as the court can answer, to the point of the Senator from Ohio that when one jurisdiction occupies the ground it ousts the other. The court say that either or both of these jurisdictions—

may (if they see fit) punish such an offender, cannot be doubted. Yet it cannot be truly averred that the offender has been twice punished for the same offense; but only that by one act he has committed two offenses, for each of which he is justly punishable.

I ask the attention of the Senator to these words:

He could not plead the punishment by one in bar to a conviction by the other—

There is the crucial test. Could a former acquittal or conviction be pleaded in bar? If it could, the Senator is right; if it could not, his argument has not a leg to stand on.

The opinion proceeds:

He could not plead the punishment by one in bar to a conviction by the other; consequently, this court has decided in the case of *Fox vs. The State of Ohio*, (5 How., 432)—

The case to which the Senator referred—

that a State may punish the offense of uttering or passing false coin, as a cheat or fraud practiced on its citizens; and in the case of *The United States vs. Marigold*, (9 How., 560,) that Congress in the proper exercise of its authority may punish the same act as an offense against the United States.

Turning now from the question of power, which I think sufficiently settled by these cases, I make one remark upon the suggestion of the Senator that there is something barbarous or inordinate in the provisions of the bill. First, I deny that double punishment to any extent whatever is provided. I deny it in behalf of this bill and of the whole body of our statutory jurisprudence, because if the charge of the Senator from Ohio be well founded, it is true of every penal statute of the United States which I can remember or of which I can think, relating to any act constituting also an offense against the State.

This bill proposes to denounce specific punishment, for what? For an act done in violation of its provisions, and for nothing else. Does not every penal statute do the same thing? When we make it an offense triable in the courts of the United States and punishable with death to strike a mail-rider from his mule and rob him, is it not a case of the same double punishment which shocks the Senator? My friend from Vermont suggests that I should correct my expression by saying "a case of the liability to double punishment," which of course is what I mean. Suppose a mail-carrier in Oregon is struck from his horse and injured or killed, does any man doubt that the assailant or slayer is indictable for assault or homicide in the State of Oregon and punishable by all the penalties of the laws of Oregon? Does any one doubt either that the case I put is the very case which the crimes act of 1825 was meant to cover? Yet it is a case of double punishment, not extending merely to thirty days' imprisonment and to a fine of \$500, but extending to a deprivation of liberty forever and to the taking of life. Certainly there is nothing peculiar in that regard in the pending bill.

The Senator says the punishment provided is monstrous because of its degree. I would suggest to the honorable Senator that a good remedy for that would be an amendment reducing the minimum of punishment, if he thinks the occasion calls for such an amendment, so that instead of compelling the court to impose a fine of not less than \$500, the lowest limit of fine to be imposed might be less. But certainly little argument can be derived from the fact that the minimum stated is more or less, bearing on the power to legislate or the propriety of its exertion. Let me, however, read this portion of the bill in view of the charge that it is inordinate:

That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall for every such offense forfeit and pay the sum of \$500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$500 nor more than \$1,000, or shall be imprisoned not less than thirty days nor more than one year.

Such a measure of punishment, I confess, would sound extravagant to me if it were leveled at any of the acts which occur in the ordinary collisions and turns of life. If such a provision were liable to be violated by a man in a passion, by a man yielding to sudden provocation or excitement, by a man engaged in a rencontre, or having the excuse even of haste and petulance to mitigate his offense, I should say it takes too little note of human weakness and frailty, and makes too little allowance for those excesses and folly more or less common to us all.

Providing, however, for no such offense, for no such inadvertence, for no such temporary absence of the coolness and judgment which unfortunately does not incessantly govern human conduct, it lays hold of a studious, deliberate, intentional act, for which no such commiseration and charity can be invoked. It punishes the keeper of an inn who commits indignity and violence upon a man, not because he is drunk, not because he is boisterous, not because he is offensive, not

because he is unclean, not because he is a pauper and unable to pay, not because he awakens hostility for any reason which concerns the interest or the right of him who visits him with indignity and wrong. It punishes only the man who indulges in assault, in opprobrium, in injury of his fellow-man, merely because he cherishes a lawless prejudice, merely because he carries in his heart a base and paltry hate insulting to the spirit and civilization of the age, a hate which has been trampled out on this continent in blood, it is to be hoped forever. A man who sins thus deliberately, who in cold blood selects as the object of his vengeance and injustice the most inoffensive, the most friendless, the most unarmed member of society, puts himself beyond the pale of that extenuation due to all offenses committed where some lion-like temptation springs upon the judgment and overpowers it before resistance can begin. The offenses punished by the bill mark the old common-law distinction between that done with malice aforethought and that done in the *furor brevis*, which the law always pities.

But, Mr. President, as I said, I had no thought of being drawn into this discussion. If there be objections to the bill, I submit they are better objections than can be found in the point that, like all other penal statutes, it contents itself with punishing the offense committed against it, leaving offenders against it, like the doers of other crimes against national statutes, to accept the responsibilities they incur by infractions, whether at the same time or at another, against other sovereignties or other jurisdictions. In this respect I see no objection to it; it seems to me rather a temperate and moderate measure in so far as it makes by its own restraints the prosecution of a civil remedy at common law a bar to a prosecution under its provisions for private damages, and so *vice versa* the selection of a remedy under the act a bar against permission to proceed as other citizens may proceed for like offenses under the laws of the State where there are State statutes, and under the common law where the common law alone is left to speak.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-three minutes spent in executive session the doors were reopened, and (at four o'clock and forty minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 29, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

### SUMNER MEMORIAL ADDRESSES.

Mr. HOOPER, by unanimous consent, submitted the following resolution; which was referred, under the law, to the Committee on Printing:

*Resolved by the House of Representatives, (the Senate concurring.)* That there be printed three thousand copies for the use of the Senate, and five thousand for the use of the House of Representatives, of the addresses made in the Senate and in the House of Representatives upon the death of the Hon. Charles Sumner; and that the Secretary of the Treasury have printed the portrait of Mr. Sumner to accompany the same.

Mr. SPEER. Would it be in order to offer an amendment increasing the number proposed to be printed for the use of the House?

The SPEAKER. Such an amendment will be in order when the resolution is reported from the Committee on Printing.

### CURRENCY.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. No. 3164) to amend an act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. EAMES, by unanimous consent, introduced a bill (H. R. No. 3165) to amend the several acts providing for a national currency and to establish free banking, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

### WILLIAM J. SCOTT.

Mr. COBURN. There is on the Speaker's table a House bill with a small Senate amendment. It is a personal matter to Lieutenant Scott, a blind officer, the measure being designed for his benefit. At the request of the gentleman from Tennessee, who has had charge of the bill, I ask that the amendment be taken up and concurred in. There can be no objection to the amendment, as it diminishes the amount that is to come out of the Treasury.

There being no objection, Senate amendments to the bill (H. R. No. 1935) for the relief of William J. Scott, late aid-de-camp on the staff of General Spear, were read, as follows:

In line 3 of the bill strike out "first" and insert "second," so that it will read: "with the rank of second lieutenant."

Strike out at the end of the bill the words "as an aid-de-camp on the staff of Brigadier-General James G. Spear," and insert "during said period."

The amendments were concurred in.

Mr. COBURN moved that the vote by which the amendments were concurred in be reconsidered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CHANGE OF REFERENCE.

On motion of Mr. CONGER, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the following, and they were referred to the Committee on Railways and Canals:

Resolution of the Legislature of Minnesota, asking for a survey of the water-routes between the navigable waters of the Minnesota River and the Red River of the North;

Memorial of the Legislature of Wisconsin, for the survey of the route between Lake Superior and the Falls of Saint Croix; and

Joint resolution of the Legislature of Minnesota, in favor of a preliminary survey of the country between Saint Croix Falls and Upper Mississippi River and Lake Superior, with the view to establishing water communication by canal, locks, and dams between the navigable waters of said rivers and lake.

#### AMERICAN CITIZENSHIP.

Mr. GARFIELD. I demand the regular order.

The SPEAKER. The regular order being called for, the House resumes the consideration of the bill (H. R. No. 2199) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes.

Mr. E. R. HOAR. Mr. Speaker, I desire—

Mr. HALE, of New York. I rise to a question of order. As I understand, the gentleman from Massachusetts [Mr. E. R. HOAR] rises to propose an amendment to this bill. I beg to call the attention of the Speaker to the fact that I have the floor upon the bill.

The SPEAKER. The gentleman from New York [Mr. HALE] is undoubtedly entitled to the floor.

Mr. HALE, of New York. And I prefer not to yield for the offering of any amendment, for a reason which will be very palpable to the gentleman when I make my remarks.

The SPEAKER. The rights of the gentlemen do not conflict at all. The Chair will recognize the gentleman from Massachusetts after the gentleman from New York has concluded his remarks.

Mr. HALE, of New York. Mr. Speaker, before proceeding with my remarks I beg to inquire the precise position of the bill before the House, and I do this for the purpose of giving notice that I desire in some form, before the bill shall be open to amendment, to test the question whether the House will consider it for that purpose.

I understand the question now before the House, and on which the merits of the bill are open to discussion, is on the motion to reconsider the vote referring this bill to the Committee on Foreign Affairs. Of course, if that is the case, no amendment can be introduced pending that motion.

The SPEAKER. No amendment could be acted on, but an amendment might be introduced with the intimation that it would be offered when in order.

Mr. HALE, of New York. Then I would say, that being the form of the question now before the House, I give notice that at some time—not at the conclusion of my own remarks, for I have no desire to cut off any other gentleman—I shall move to lay the motion to reconsider upon the table, in order that the bill may remain with the Committee on Foreign Affairs. I understand that will be the effect of such a vote by the House.

I certainly, Mr. Speaker, approach the discussion of the bill before the House with very much diffidence and hesitation—not arising from the bill itself, for my own judgment on that bill is substantially one of unqualified condemnation, but in consideration of the very high respect which I bear toward the gentleman from Massachusetts [Mr. E. R. HOAR] who reported the bill to the House, and of his professional and personal standing before this House and before the country, and in view of the fact that that gentleman has informed the House that this bill has had his careful and scrutinizing revision.

Impelled as I am to differ from him most widely in regard to the line of legislation proposed by this bill, it is a difference with the greatest respect, and, as I have said, with the greatest hesitation and distrust of the correctness of my own views growing out of that respect.

The bill was first called to my attention on a morning of last week, when it was reported from the Committee on Foreign Affairs; and a hasty examination of it at that time impressed me with the idea that it contained many faults which ought to be amended. A more careful examination, such as I have given it since, satisfies me that in its almost entire scope it is a bill which it is not desirable for this House to pass, a bill which is not consistent with the obligation which this Government owes to its own citizens, is not consistent with those principles of international law which are recognized with substantial unanimity throughout the range of civilized nations; that it unwisely departs from the provisions of our own statutes in some respects; that it unwisely changes in other respects principles of international

law; and that in the latter regard its effect will be prejudicial, and only prejudicial, to the dignity and character of the United States, as well as to the rights and safety of its citizens in other lands.

The great object of all governments is the protection of the rights of the individual citizen. When, long ago, it was said in England that the whole machinery of king, lords, and commons had for its end and object simply the bringing of twelve men together in a box, this was but a picturesque and figurative expression of the great doctrine that all the machinery of all government has for its great end and object simply the protection of the rights of the individual citizen.

We all recognize this in regard to the great mass of our own citizens who still dwell in their own country under the sole control and protection of their own laws; and it is for the protection of their rights in this respect that the bills of rights in our Federal Constitution and in the constitutions of the different States exist. It is for this that civil-rights bills are presented and pressed here.

This of course includes the larger and more widely embracing class of cases, but the rights of citizens at home are no more sacred, no more entitled to complete protection by the Government, than the rights of that more limited class of citizens who travel in or visit or dwell under the jurisdiction of foreign nations.

These rights, Mr. Speaker, are the subject of national protection, and of national protection only. The rights of the citizen at home are already guaranteed by the constitution and laws of the State in which he lives, subject only to such supervising or controlling power as the Constitution of the United States has vested in the Federal Government. But the power of the individual States cannot reach abroad. When we deal with foreign nations, we deal only as a Federal Government. When, therefore, we are to act upon the subject of the rights of American citizens in foreign lands and as against foreign nations, State organizations are powerless, and the Federal organization is the only power upon which the citizen can rely for his protection.

The rights of the citizen as against foreign governments, again, are not to be determined by our municipal laws. These laws can operate and have power only upon ourselves. They may tie the hands of our Government as to interfering against foreign nations. They may limit the right which the citizen has to invoke the aid of his government. But they cannot determine or settle the rights which in the great tribunal of nations the citizen is to have and enjoy against a foreign nation. Those rights are to be determined only by that great collective body of principles and doctrines which is named international law—a body of principles certainly to some extent undefined, often perhaps vague and uncertain to an extent that is undesirable, but the only code, the only body of principles, to which any nation can appeal on questions of dispute between itself and another nation.

These doctrines cannot be changed by municipal enactment of any government. They can only be changed as between specific nations by treaty or by reciprocal legislation, or by their recommendation and adoption through the learned men, the statesmen and the governors of the world, who mold that law from time to time.

For myself, Mr. Speaker, I do not believe it desirable that this body of principles called international law should be codified, strictly so to speak, and reduced to the rigidity and inflexibility of a statute. I prefer that it should remain, as the common law in England and in most of the States of this Union prevails, rather a flexible and yielding body of principles, applicable according to its circumstances to each particular case than to be brought down to the iron rule of a statutory prescription.

If we attempt to modify the principles of this international law by our own statutes, as I have already said, we may bind our own hands, we may limit our own power, we may bar the door of our own Government against the claims of its citizens; but we cannot change the rule which prevails among the nations of the earth. And if we succeed in disclaiming for our nation rights which are recognized as rights belonging to other nations, entitling them to reclamation against their fellow-nations, instead of affecting a change that is desirable, we merely, to a certain extent, degrade ourselves—I use the word, of course, in no offensive sense; we merely reduce ourselves in rank below that just position among the nations of the earth which we are entitled to take. If, for instance, we throw aside and repudiate the right of full and ample protection of our citizens, native-born or naturalized, while dwelling or visiting or traveling in another land, we just so far deprive ourselves of the assertion of just rights against foreign nations which we would otherwise enjoy.

I do not believe, sir, that such limitation of our own power is desirable. Every nation is to be weighed in regard to the character and elevation and dignity of its organization simply by the full and perfect liberty and protection of rights which it guarantees to its citizens. Among nations the measure of this protection to the citizen is to be found ordinarily by observation of the protection which she affords to her citizens abroad and not to her citizens at home.

In this regard we may well look to the course of conduct pursued by Great Britain for generations, nay, for centuries. Sir, it is not the military, the naval, or the commercial greatness of Great Britain which most gives her rank and respect among the nations of the earth. It is not the extent of her colonies, or the great sweep of her settlements and military posts. It is not that her "drum-beat," as Mr. Webster so felicitously said, "following the sun daily, and keep-

ing company with the hours, circles the earth with a continuous and unbroken strain of the martial airs of England." No, sir; all these elements of greatness and power would pale into insignificance, but for the fact that Great Britain everywhere over the whole face of the "round world," and among all those "that dwell therein," against the highest and strongest of the earth, against the most remote and inaccessible, on behalf of the poorest, the humblest, the most unworthy even of her citizens, never fails to throw over that citizen the protecting mantle of her own strength; that she asserts, whether against France, or Germany, or Russia, or the United States, against Theodore of Abyssinia or the King of the Ashantees, the rights of her subjects wherever they are found, regardless of hazard, regardless of cost, vindicating them if necessary by that ultimatum of war, terrible as it may be, that "last argument to which kings resort." There lies the secret of the strength of Great Britain among the nations, and there we may well look for the precedent which should guide us as to our treatment of foreign nations with respect to the rights of our citizens.

Sir, when our government has it understood all over the face of this earth by Jew and Gentile, Greek and barbarian, bond and free, civilized and savage, that her every citizen in other lands is the object of her jealous and careful guardianship; that he is and will be protected to the full measure of her power; that that protection will be preserved and continued at all hazards, against every risk, every obstacle, and every power, then, and only then, will the United States have that position among the nations of the earth to which they are legitimately entitled.

I believe, Mr. Speaker, that the bill now before this House—of course not intentionally—not with such a view on the part of any gentleman who has been concerned in its preparation or advocacy, but nevertheless, in fact, does derogate from these principles. I believe that by the adoption of this bill the United States will be put in the attitude of disclaiming, rejecting, throwing aside that pearl beyond all price, the right to assert everywhere and against everybody the rights of its citizen, be he ever so humble, ever even so unworthy.

Let us see, sir, what are the provisions of this bill. It changes the existing law, existing both by the statutes of the United States in certain cases, and by well-established and recognized rules of international law in other cases, as I have made out from my enumeration, in some nine or ten distinct matters. Almost every one of those changes I believe to be in the wrong direction. Almost every one of them I believe to be based upon erroneous ideas of the duty which the Government owes to its citizens abroad.

I shall spend but little time upon any of them; some of them I shall pass over with mention merely; but I desire to call attention to the matters in respect of which the bill does change existing law.

First, as to married women. I may say here, Mr. Speaker, that no rule is better established as the rule of international law among civilized nations than the rule that the national character of the wife follows the national character of the husband, irrespective entirely of all question of domicile or of any other question affecting citizenship; in other words, that when a woman marries a man of another nationality, she by that marriage adopts his nationality wherever he or she may dwell; that by the naturalization of the husband the naturalization of the wife follows, irrespective of residence or domicile or other consideration. This is an invariable rule of international law, recognized by all the publicists, by the practice of all the continental nations of Europe, by the practice and statutes of the United States, and by the practice of Great Britain.

The only authority to the contrary that has come to my knowledge, or which I have ever been able to find, is a doctrine laid down by that eminent judicial tribunal, the judicial committee of the privy council of Great Britain in the Countess of Conway's case, reported, I think, in the second volume of Knapp's Privy Council Cases. There the tribunal, in determining the status of a female claimant, a married woman, under the convention between France and Great Britain, for the payment of damages to subjects of Great Britain whose property had been unduly confiscated by the empire and the republic, held that, by the marriage of this lady to Count Conway, who was a British subject, she herself being a subject of France and always domiciled in France, under that convention she had no standing as a British subject by reason of her marriage, for domicile must coincide with marriage in order to give her that standing.

But a closer examination of the case will develop the fact that this is really not inconsistent with the proposition that marriage of itself determines the national character of the wife upon that of the husband, because within the rules of international law, as applicable in time of war, domicile is the controlling element of national character, and there the rights of a party claiming as a belligerent or as a citizen of one country or of another are always to be determined by domicile. The case of the Countess of Conway was therefore not necessarily a departure from the rule. In this connection I may state that in diplomatic practice the rule of Great Britain has been uniformly and consistently the other way. Great Britain has always claimed and maintained before international tribunals, through diplomatic negotiations, and in every form of communication or controversy with other nations, that the national character of the wife must follow that of the husband. In the international tribunal recently in session in this city, the mixed commission, created by the treaty of March 8, 1871, between the United States and Great Britain, in repeated in-

stances women, natives of the United States, always residing in the United States, never out of the United States, but married to British subjects, were allowed standing as British subjects before that commission, and awards were made in their favor as British subjects. I believe that the doctrine was correctly so decided by that tribunal under the rules of international law.

This principle too, Mr. Speaker, was recognized by the United States in 1855, when they passed this statutory provision: "That any woman who may lawfully be naturalized under existing law"—it was carefully guarded, under the practice then prevailing, so as to close the door against those whose color or descent might disqualify them for American citizenship, as the doctrine was then held—but "any woman capable of naturalization married, or who shall be married, to a citizen of the United States, shall be deemed and taken to be a citizen." This statute was but an expression of the rule of international law and an adoption of it as part of our municipal law.

The committee on the bill before the House change that most materially. I beg to call the attention of the House to their provision enumerating the persons who are to be regarded as citizens of the United States. In the first clause of the second section of the bill they say that there are to be so included "all married women whose husbands may be such citizens"—now mark—"as against all powers except the power within whose jurisdiction an alien woman married to a citizen of the United States may have been born." That is the bill as it stands. The committee have given notice that they propose an amendment, which will doubtless be adopted by the House, to add the words "and shall continue to reside." Including that amendment the effect of the proposed bill is this: in conformity with the rule of international law a woman of foreign birth married to a citizen of the United States is to be taken as a citizen of the United States; but the rule is changed in this, that as against the power of which she was a subject, if she shall continue to reside within the jurisdiction of that power, she is not to be deemed an American citizen.

Now, one of the most difficult questions ever arising in diplomatic intercourse as to the rights of aliens results from what is known as double nationality. A person may by the laws of one country owe allegiance to the government of that country, and by the laws of another country owe allegiance to that other; his allegiance being thus double, not divided. By our naturalization laws, for instance, a man residing in the United States and naturalized here might be deemed, under our laws, in all respects a citizen of the United States; while at the same time by the laws of Great Britain, before the late naturalization convention, he would be deemed in all respects a citizen and a subject of Great Britain. One of the great ends of all diplomatic negotiations and of all reciprocal legislation among nations ought to be, I submit, to get rid of this question of double nationality, so that under no circumstances where it can be avoided should there be anything like duplex relations of one person to two governments, as owing allegiance to the two.

This provision of this bill leaves the married woman in the cases I have named owing allegiance for instance to the United States in general and as against all nations but one; but as to that one it remits her to her allegiance to the sovereignty of her nativity; remits her there wholly irrespective of the fact that her husband is absolutely and completely a citizen of the United States as against the whole world. Now mark the consequence. As I have already said, by the laws of other nations, by the rules of international law, she is a citizen of the United States against all governments, against the government of her nativity and residence as well as the rest. But by this bill she is a citizen of the United States for certain purposes only; not a citizen of the United States as against Great Britain, for instance, to which her native allegiance was due and where she may reside. Great Britain, however, she being the wife of an American citizen, does not recognize her as a British subject. But this bill cuts her off from her right of protection by the American Government and her right of citizenship here, and she stands indeed a woman "without a country," outlawed and outside of the protection of any nation.

Again, if we are to adopt such legislation as this, it certainly ought to be reciprocal legislation. We should cut off no rights of those who have heretofore been American citizens unless we see most clearly that equivalent corresponding provisions are to be made for the converse of the proposition; that the American woman who marries an English citizen is not to be deprived of any right, or any convenience even, which we fail to require in the case of a woman of English birth, owing paramount allegiance to Great Britain, married to an American citizen.

But the bill of the committee does make a very great difference between the two cases. It makes the foreign woman married to an American citizen no longer wholly and completely an American citizen for all purposes; but in certain contingencies, that of residence, she is still a foreigner.

In the third clause of this same second section it is provided that a woman, a citizen of the United States, becoming the wife of an alien and not residing within the United States, shall not continue a citizen of the United States; and in the event of her widowhood she cannot even reclaim her citizenship in the United States after the death of her husband simply by coming here to reside. In addition to that, she is required to go through the form of filing in the Department of State a declaration in a prescribed form, and taking specific and care-

ful legal steps to reassert that right of American citizenship, from which the American woman married to an alien and residing in a foreign state, that being the state of the allegiance of her husband, is absolutely debarred.

The next class of provisions in this bill which I shall note are those relating to the birth of persons in countries other than those of the allegiance of their parents.

Here again we find two provisions, the one correlative of the other; the one in relation to the children of foreign parents born within the United States, and the other relative to the children of American citizens born under foreign jurisdiction. In regard to both of these provisions the committee by this bill propose to change the existing law. It may be that the changes they have made are in themselves unobjectionable. I am not disposed to cavil at them, although I am really inclined to think it would be better to leave the law precisely as it now stands.

But in these two provisions they have not followed the rule of reciprocity; they have not provided the same rule as to the rights of the children of Americans born abroad as they have provided for the children of foreigners born in this country. The general rule is that every person born within a sovereignty is by birth a subject of that sovereignty. That is the recognized rule within the United States; it is specifically provided for in the constitutions of many of the States, and by the fourteenth amendment to the Constitution of the United States. This rule has no respect to the circumstances under which the person may have been born, or the status of the parents at the time of his birth; whether the father of the child born here is permanently domiciled within our borders, or is here for temporary and commercial purposes, or is a mere visitor or a casual traveler within our boundaries. If the child is born within the United States, by that birth he is a citizen of the United States.

This principle was also distinctly recognized by the same commission I have mentioned. In a case where it was distinctly alleged that the claimant, who claimed to be a British subject, was born in the United States of British parents while they were on a temporary visit to this country, the parents returning immediately afterward to England, they held that the man was not entitled to the standing of a British subject before the commission, for the reason that by the fact of birth within the United States he was an American citizen, although there was at the same time no question that by British law he was a British subject.

This bill provides that the child so born in this country, of parents not domiciled here, shall not be regarded as a citizen unless, first, he shall reside in the United States, or unless his father shall be naturalized during his minority, or unless he shall within six months after becoming of age file a certain declaration in the office of the Secretary of State, or unless he shall become naturalized under existing laws. I think these different provisions are unnecessarily repeated, because several of them of necessity include others. If residence within the United States is sufficient to give the right, certainly naturalization can never be necessary, for naturalization can never be had except where the party does reside here.

But recurring again to the correlative provisions as to the children of citizens of the United States born abroad, (being the second clause of the second section,) we find that the committee have carefully put up the bars against the children of citizens of the United States who may be born abroad while their parents are residing abroad. The language of the bill is:

A child born abroad, whose father may be a citizen of the United States, residing in and subject to the jurisdiction of the United States, shall be regarded as a citizen of the United States at the time of birth, and shall follow and have the domicile and citizenship of the father during minority.

Therefore if a citizen of the United States goes abroad to reside (and residence, we all know, may have a very temporary and brief duration) for purposes of commerce, of health, of pleasure, of convenience, of education, of accumulation of knowledge, his child born there while he resides abroad is not a citizen of the United States. This again is a departure from the statutory provisions already existing which will be found in the act of February 10, 1855, already cited, (10 Statutes at Large, page 604,) which provided in terms that "persons born out of the limits and jurisdiction of the United States whose fathers were or should be at the time of their birth citizens of the United States should be deemed and considered, and are hereby declared to be, citizens of the United States;" and this irrespective entirely of residence.

Mr. GARFIELD. Will my friend illustrate what he is saying by stating how the law would apply to a case which I can cite? A gentleman holding a position at the head of one of our Executive Departments, a very distinguished American, was born in Montreal. His father and mother were citizens of New York. His father, being an architect, went abroad for the sole purpose of superintending the construction of the cathedral at Montreal, and was absent about two years, during which this child was born. The parents never obtained a residence in Canada; and the boy was to all intents and purposes in law an American-born citizen. I wish to inquire how the bill now pending would treat such a case as that—whether it would regard the child as a foreigner or a citizen of the United States? Of course I should say that if it would regard him as a foreigner, it would be a misfortune.

Mr. HALE, of New York. In the case propounded by the gentle-

man from Ohio [Mr. GARFIELD] the child so born abroad is, under the statute of 1855, absolutely, certainly, and in all respects a citizen of the United States. Under the bill proposed by the committee and now under consideration, the question whether he is a citizen of the United States would depend upon an outside fact on which proof is to be taken; that is, whether his parents were to be deemed as residing in Montreal at the time of his birth, or as having a residence within the United States. And right here comes in an element which is to me one of the most objectionable features of this bill: it sends these cases outside the region of fixed, certain, absolute law into the region of inquiry, to be based upon facts to be ascertained, as to which courts and juries may differ, and which never can be settled except by a judicial determination between parties directly interested in the event.

It will be recognized as a fixed rule, under international law, that wherever a man is found to be with his family that is presumptively his residence. International law presumes every man to be domiciled and to reside on the spot where he is found. That is the presumption, which it rests on the party claiming a different status always to rebut. Sometimes, of course, the evidence is very simple and easy of attainment, as in the case of a mere traveler stopping at a hotel over night. Often, as in the case suggested by the gentleman from Ohio, it may be a case of very grave doubt, open to all sorts of difficulties, to determine whether the domicile of the party was actually in a foreign country or in the United States. I think that in this view the legislation proposed in the bill before us is open to serious objection.

Mr. SCHUMAKER, of New York. Does the gentleman mean to say that a person born in a foreign country of parents who are citizens of the United States and who return to this country may not exercise the elective franchise without naturalization? No such person, as I have understood, was ever deprived of the exercise of the elective franchise.

Mr. HALE, of New York. My colleague is clearly right in his proposition under the statute of 1855, and indeed irrespective of that statute, according to the doctrines of international law and by the common law of the United States, if I may use such an expression. But the provision which the committee now proposes changes that law and makes the question of citizenship depend on the residence as well as the citizenship of the parents.

Mr. SCHUMAKER, of New York. My question was whether a child born abroad and coming here was not qualified by the naturalization of the parents, and whether on coming of age he was not entitled to exercise the elective franchise. There is no law of accidental birth to prevent the exercise of this right.

Mr. HALE, of New York. My colleague will see that I stated the proposition precisely as he states it, under the statute of 1855.

Mr. SCHUMAKER, of New York. I so understood him, but could not understand his answer to the gentleman from Ohio.

Mr. HALE, of New York. I am sorry, but I think my remarks need no further explanation.

I have dwelt too long on this question. Then comes a more important question, to me perhaps the gravest of all the objections to this bill, and that is the provision contained in the third clause of the second section expressly excluding from the benefits of citizenship within the United States various classes of persons who have heretofore been such citizens. This legislation is of the character to which I referred in my opening remarks as most objectionable and most undesirable and least in accord with the dignity of the United States, with the obligations which it owes to its citizens, whether native-born or naturalized, and with the rights of such citizens.

This provision under five different clauses excludes from citizenship five different classes who have heretofore fully enjoyed those rights.

The first provision of exclusion is that of citizens of the United States, native-born or naturalized, who may be naturalized as citizens of another state or who may enter into the civil, naval, or military service of any foreign nation. Now, the first sentence of this clause is certainly to be deemed unobjectionable. Under the doctrine of the right of expatriation, which the United States have always held, the fact that a citizen of the United States has become naturalized and the subject of a foreign power certainly ought to terminate his citizenship in this country, subject of course to the right of renewing that citizenship under the laws of the United States whenever he shall return to this country, which can be done under the present naturalization laws.

But the second section of the clause I certainly consider dangerous and unwise, and especially impolitic to adopt without an important amendment. That division of the clause cuts off from citizenship of the United States absolutely, without any power of reclamation, all those of its citizens who may enter into the civil, naval, or military service of any foreign prince or state, or of any colony, district, or people foreign to the United States. Note the breadth and comprehensiveness of this provision. Under it, every class of governmental service, whether civil, military, or naval, accepted by a citizen of the United States in a foreign land under a foreign government or foreign people, absolutely cuts off from American citizenship the man who accepts it. It makes no difference whether this is one of the European powers, one of the recognized civilized and enlightened powers of the earth, or one of the more ancient forms of civilization which still exist in Asia where we send so many who enter service in different

departments, or even among the barbarous and savage tribes to be found over the face of the earth. The language is sweeping. An American citizen who goes to-day to Japan to enter the employment of the Japanese government, in its civil service, in educational, financial, or administrative branches, ceases by that act to be an American citizen, and not only that, but he is placed beyond the possibility of ever returning to that character, for if he has ceased once to be an American citizen he certainly can never become such citizen again except by process of law. He has not of necessity become a subject of the government to which he goes, and when he returns to the United States he cannot be naturalized under the naturalization laws, for they are only made for the subjects of foreign governments. This man therefore stands as a "man without a country," brother to the woman without a country whom I before named.

Mr. POTTER. Take the case of General Mott, who entered the service of the Khedive of Egypt, does my colleague understand the bill to include that case?

Mr. HALE, of New York. It would not only disfranchise General Mott while in Egypt, but, as I understand the bill, when he returns to this country he can never again become an American citizen, not being a subject of naturalization under existing laws.

Mr. GARFIELD. How would it have been in the case of Mr. Burlingame?

Mr. HALE, of New York. Undoubtedly the same in Mr. Burlingame's case. He was in the civil service of the Emperor of China. Undoubtedly the same in the case of the half-dozen or more persons who are in the service of the Japanese Empire in various civil offices, and that larger number of persons who are in the military and civil service of the Khedive of Egypt. Under the same rule, as suggested to me by the gentleman from Arkansas on my left, [Mr. HYNES,] if adopted in France, those Orleans princes who came over here and volunteered in our service during the war of the rebellion would have ceased, if this had been the law of France, to have been citizens of that country, and never could have reclaimed their citizenship there. [Here the hammer fell.]

Mr. WHEELER. I trust my colleague will be allowed a few moments more.

Mr. HALE, of New York. I would be very glad to spend a few minutes more, not exceeding fifteen minutes, on other branches of the subject.

The SPEAKER. If there be no objection the time of the gentleman from New York will be extended fifteen minutes.

There was no objection.

Mr. HALE, of New York. The second clause of this exclusion is one, as it strikes me, of a still more gravely objectionable character. It is a provision depriving of citizenship absolutely and forever every citizen of the United States who may reside abroad, unless he shall comply with certain fixed statutory regulations. This is bringing into the statutory law of the United States an element which never existed there before. It is barring the United States forever from the right of protection against foreign powers of any one of its citizens who may reside abroad for any purpose, unless that citizen shall have taken certain formal, carefully prescribed steps to enable him to preserve his allegiance.

I confess, Mr. Speaker, I am astonished at this proposition coming from any committee of this House. I am astonished that any man can upon this floor vindicate the propriety of disfranchising a citizen of the United States for the reason that he may happen to reside abroad for any purpose that to him may seem good and for such time as to him may seem good. Such is not the doctrine of the states of Europe. Such is not the doctrine by the observance of which Great Britain has established her citizenship as a name of dignity and respect among the nations of the earth. Why, Mr. Speaker, let us bear in mind that the first section of this bill defines the words "domicile" and "reside," and defines them justly and properly as implying "a fixed residence at a particular place, with direct or presumptive proof of an intent to remain indefinitely."

Add to that the well-settled legal principle that presence in any place affords presumption of an intent to remain indefinitely, and that if a member of this House were to-day found in a city of Europe, in the absence of all other proof, the presumption is that he intends to remain there indefinitely; and then, applying this definition, it will be found that the American citizen found abroad is disfranchised, debarred from citizenship, unless he has complied with certain regulations, or unless he makes proof to overcome the legal presumption to be found from his residence.

To be sure the bill undertakes to exempt commercial domicile from this regulation. But let us see how it undertakes to do that:

Commercial establishments shall not be regarded as creating a domicile unless made with an intent not to return.

But even as regards commercial domicile, let us see how the case stands. A New York house doing business in London or Paris sends one of its partners to reside and transact its business there. That partner by that very commercial residence becomes debarred of citizenship unless he can show he is there with intent to return. The burden is on him to show it. His presence there is the presumption against him.

Mr. E. R. HOAR. Will the gentleman allow me to call his attention to the fact that he misapprehends this provision of this bill?

Mr. HALE, of New York. My friend should remember that my time is limited.

Mr. E. R. HOAR. But the gentleman is making, as I understand, a direct misstatement. The bill says:

Commercial establishments shall not be regarded as creating a domicile unless made with an intent not to return.

Mr. HALE, of New York. I said so distinctly, and my friend has misunderstood me. But I said that the fact of his being there raises the presumption that he is there with an intent not to return, and he must overcome that presumption by proof.

Mr. E. R. HOAR. No, no.

Mr. HALE, of New York. My friend says "No, no," but he is certainly in error, and if he will turn to the authorities he will find that this principle is distinctly recognized by the publicists. It is laid down over and over again by Sir William Scott in the Prize cases, that the presumption is that where a man is found residing, there he intends to remain indefinitely.

The third exception provides, first, for—

Naturalized citizens of the United States who may, by the terms of any treaty, be regarded as having resumed their original nationality.

This is of course unobjectionable.

The second clause, "or who, on returning to their native country, may be convicted of offenses against the laws of that country committed prior to their arrival in the United States," I understand the committee consent shall be stricken out. It is a most gravely objectionable feature, so much so that I can scarcely conceive how it ever came to be inserted in the bill. But I understand it is to go out, and therefore I pass it.

The fourth section relating to the status of women, citizens of the United States, married to aliens, I have already discussed. I come, therefore, to the fifth clause, which I beg, with all respect, to characterize as a proposition little short of monstrous.

It is this:

A naturalized citizen of the United States becoming domiciled in the country of his or her nativity, unless when otherwise regulated by treaty, shall cease to be a citizen of the United States.

Sir, I do not believe in a doctrine which would make such a distinction between native and naturalized citizens. I know of no nation to-day which asserts such a doctrine. We have within the limits of the Book of Treaties which I hold in my hand, naturalization conventions with eleven different European nations, and every one of those conventions is utterly inconsistent with the proposition here made. At least two of them in specific terms negative the proposition, and the other nine contain provisions wholly inconsistent with it.

Now, what is the proposition? An Englishman, or an Irishman, or a German has come to the United States and been naturalized; he is our citizen. From the moment he attains that citizenship he is entitled to the protection of his government, here or elsewhere, as fully and completely as the loftiest born native citizen of this land. The very country to which he originally belonged would not assert, unless it wholly denied the right of expatriation, a denial of his citizenship. And yet this bill provides that that man, if he shall go back to be domiciled in the country of his nativity for any purpose, no matter what, business or pleasure, commerce or health, ceases to be a citizen of the United States. Remembering the proposition I laid down, that presence raises presumption of intent to continue, Louis Agassiz, naturalized in America, had he before his death returned to Switzerland, his native country, and spent a week there, would have been presumptively disqualified as a citizen of the United States and remitted to his original allegiance.

Sir, I have never pretended to assert myself especially as the champion of naturalized citizens upon this floor or elsewhere. I shall never be found to assert such special championship. But I do assert that between citizens of the United States no discrimination as to right to the protection of the Government can be made without disgrace to the United States. If a German or an Irishman comes here and is lawfully naturalized, becomes our citizen, we are bound to protect him as our citizen so long as the relation continues. There is no greater reason why we should refuse that protection in his case than in the case of a native-born citizen.

I stated that our treaties with certain of the European nations had expressly and in terms repudiated this doctrine. I refer to the treaty with Baden, which will be found on page 50 of the volume of treaties.

The fourth article of that is as follows:

The emigrant from the one state who, according to the first article, is to be held as a citizen of the other state shall not, on his return to his original country, be constrained to resume his former citizenship.

The same provision is to be found in the treaty with Austria, in the same terms, on page 46 of the volume of treaties. Our treaties with every other German nation, with Great Britain, with Denmark, with Sweden and Norway, in regard to citizenship and naturalized citizens of the one country resuming after naturalization their residence in the other, are utterly inconsistent with the idea that such residence alone is to terminate citizenship and change national character.

Mr. MYERS. I call the attention of the gentleman to the act of 1868, which is to the same effect.

Mr. HALE, of New York. The act of 1868, to which the gentleman from Pennsylvania calls my attention, is to the same effect. I have oc-

cupied already more time than I intended. There are still other objections to the bill which should be noted. Even the marriage provision in the last section ought certainly to be subject to amendment, otherwise it might be taken to preclude the validity of marriages contracted in foreign countries by American citizens unless contracted pursuant to the provisions of that section. I think such would be the construction of foreign tribunals and governments. In that regard, therefore, it should certainly be amended so as to provide that marriages performed in other forms not according to the provisions of this act, which are valid either by the laws of the country where performed, by the laws of the United States, or by the laws of the State or Territory where the United States citizen may reside, shall continue to be legal notwithstanding the provisions of this act.

But, as I said, Mr. Speaker, I believe this to be a bill which it is not desirable for this House to seek to perfect in the House. I believe it to be a bill fraught with danger to the American nation through its citizens, for what endangers the rights of the meanest citizen endangers the character of the nation. I therefore give notice that at the proper time, without seeking to cut off debate, but whenever the debate shall have been terminated, I shall move to lay on the table the motion to reconsider the vote by which the bill was committed to the Committee on Foreign Affairs, leaving the bill with that committee for further elaboration by them.

Mr. CONGER. I desire to have printed an amendment which I propose to offer at the proper time to the bill.

There was no objection; and the amendment was ordered to be printed.

Mr. E. R. HOAR. I ask that the proposed amendment be read.

The Clerk read as follows:

Amend section 4 by inserting after the words "United States," in line 8, the following:

*Provided*, That this provision shall not be construed so as to affect or alter in any manner the navigation laws or other similar laws relating to the ownership of ships or vessels of any description, or to their enrollment, registration, or license.

#### ORDER OF BUSINESS.

Mr. LOUGHRIDGE. I rise for the purpose of moving that the House resolve itself into Committee of the Whole on the state of the Union on the special order, being the Indian appropriation bill.

Mr. BUCKNER. Before that motion is put, I ask the gentleman to allow the House to go to business on the Speaker's table, with a view of referring some Senate bills.

Mr. LOUGHRIDGE. I will yield for a moment for that purpose.

Mr. NEGLEY. I desire to call up the special order in the House, the bill (H. R. No. 1588) to amend the act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes," approved February 28, 1871, which has been passed over for a long time to accommodate other business.

The SPEAKER. The gentleman from Missouri [Mr. BUCKNER] asks unanimous consent that bills from the Senate upon the Speaker's table be taken up for the purpose of reference only. Those bills to which objection is made will remain upon the Speaker's table. The Chair hears no objection.

#### LOUISVILLE AND PORTLAND CANAL.

The first business on the Speaker's table were the amendments of the Senate to the amendments of the House to the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company.

Mr. NEGLEY. I ask that those amendments be considered now.

The SPEAKER. This call is for reference only. The amendments of the Senate will be returned to the Speaker's table.

#### SENATE BILLS REFERRED.

Bills were then taken from the Speaker's table, read a first and second time, and referred as follows:

A bill (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes—Committee on Private Land Claims.

A bill (S. No. 170) for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1855—Committee on Naval Affairs.

A bill (S. No. 229) authorizing corrections to be made in errors in prize-lists—Committee on Naval Affairs.

A bill (S. No. 237) to change the name of the port of San Pedro, California, to Wilmington—Committee on Commerce.

A bill (S. No. 326) for the delivery to James B. Betts, receiver, of certain bonds now in the Treasury of the United States of America—Committee on Claims.

A bill (S. No. 339) to change the name of the registered steamer Oakes Ames to Champlain—Committee on Commerce.

A bill (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association—Committee on War Claims.

A bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and to be registered under that name—Committee on Commerce.

A bill (S. No. 464) to amend the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and the several acts amendatory thereof—Committee on Ways and Means.

A bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon—Committee on Commerce.

A bill (S. No. 508) for the relief of Andrew Johnson, of Logansport, Indiana—Committee on Claims.

A bill (S. No. 509) to withhold from sale a portion of the Fort Smith military reservation in the State of Arkansas, to prescribe the manner in which the remainder of said reservation shall be sold, and for other purposes—Committee on Military Affairs.

A bill (S. No. 560) for the relief of William N. Denny, major of the Fifty-first Indiana Volunteer Infantry—Committee on Military Affairs.

A bill (S. No. 561) for the relief of Charles H. Moseley—Committee on Claims.

A bill (S. No. 563) for the relief of John M. McPike—Committee on Claims.

A bill (S. No. 708) to change the name of the schooner China—Committee on Commerce.

#### RAILROADS IN THE TERRITORIES.

The following bill was taken from the Speaker's table and read by its title:

A bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands.

Mr. MCCRARY. I move that the bill be referred to the Committee on Railways and Canals.

Mr. TOWNSEND. I think the bill should be referred to the Committee on the Public Lands.

The SPEAKER. There being a division of opinion about the reference of the bill, it will be returned to the Speaker's table.

#### CAPTAIN A. B. DYER.

The amendments of the Senate to House bill No. 498, to settle the accounts of Captain A. B. Dyer, were taken from the table and referred to the Committee on Military Affairs.

#### RAILROAD IN WASHINGTON TERRITORY.

Mr. McFADDEN. There is a bill on the Speaker's table which I ask may be considered at this time. It has been before both Houses and received consideration. It is Senate bill No. 253.

The SPEAKER. The bill will be read, after which the Chair will ask if there is objection to its consideration at this time.

Mr. LOUGHRIDGE. I will not object, if it gives rise to no debate.

The Clerk proceeded to read the bill (S. No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the Northern Pacific Railroad at or near Tenino.

Mr. SPEER. I do not desire to oppose this bill, but I would ask if it has received the consideration and approval of a committee of this House?

Mr. FORT. It has been considered, or one just like it, by the Committee on Territories and reported upon favorably.

Mr. HYNES. It received the unanimous approval of that committee.

Mr. HOLMAN. I think the principle involved in this bill should be further considered.

Mr. HYNES. I might state to the House that this is the only Territory that has to come in here and ask for this permission.

Mr. HOLMAN. I do not think we should pass this bill without further consideration.

Mr. CLYMER. I appeal to my friend from Indiana [Mr. HOLMAN] not to object to immediate action on this bill. It has been fully considered on a former occasion.

Mr. McFADDEN. It has not only been fully considered in the House, but was reported unanimously by the Committee on the Territories. There cannot possibly be any objection to the bill.

Mr. HOLMAN. While I regard this as a vicious mode of legislation, yet as the bill has already been considered by the House I will not press my objection.

Mr. MAYNARD. I hope that by general consent ten minutes, or at least five, may be given for a brief explanation of the bill. It so happened that I was not present when the bill was discussed the other day.

Mr. WILSON, of Iowa. I object to the bill. After having suffered as we have in Iowa from legislation of this kind I cannot conscientiously refrain from objecting.

#### STEAM FERRY-BOAT A. BURTON.

Mr. CONGER. I ask unanimous consent to report from the Committee on Commerce, with an amendment, the bill (H. R. No. 3139) for the relief of the owners of the steam ferry-boat A. Burton. The consideration of this measure will occupy but a moment.

The bill was read. It authorizes and directs the proper inspectors of steam-vessels in and for the Galena district to inspect the steam ferry-boat A. Burton, at Nauvoo, Illinois, and to grant certificate and license which shall enable the owners of said steamer to use the same as a ferry-boat, notwithstanding the fact that the iron in the boiler on board said boat has no tensile strength stamped upon it, and notwithstanding no stamp at all is found upon the same; pro-

vided that upon due inspection and test the said boiler is found to be good and sufficient and safe, and the vessel otherwise constructed and equipped according to law.

The amendment reported by the committee was to strike out in the proviso the words "and sufficient," and insert "material, properly constructed;" so that the proviso will read:

*Provided*, That upon due inspection and test the said boiler is found to be good material, properly constructed, and safe, and the vessel otherwise constructed and equipped according to law.

There being no objection, the amendment was agreed to, and the bill, as amended, ordered to be engrossed for a third reading, read a third time, and passed.

Mr. CONGER 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. HOLMAN. I give notice that after the morning hour to-morrow I shall ask the House to go to business on the Speaker's table to take up the Portland Canal bill.

Mr. E. R. HOAR. In view of the suggestion just made by the gentleman from Indiana, [Mr. HOLMAN,] I wish to say that while I did not object this morning to the motion to go into Committee of the Whole on the Indian appropriation bill, I do desire that the bill in regard to American citizenship shall not lose its place.

The SPEAKER. It cannot do so.

Mr. NEGLEY. Before the House agrees to go into Committee of the Whole on the Indian appropriation bill I hope it will consider the bill (H. R. No. 1588) for the better security of life and property on steam-vessels. This bill has been a special order since the 24th of February, but I have refrained heretofore from pressing it on the attention of the House. I think it a very important bill, and one which certainly should take precedence of any appropriation merely to expend money. Nothing will be lost by the delay in the consideration of the Indian appropriation bill.

The SPEAKER. The Chair will state the situation of this matter, and gentlemen will please give attention, because the House has now reached a period of the session when there is a very great tendency to complicate business. The bill from the Committee on Foreign Affairs, of which the gentleman from Massachusetts [Mr. E. R. HOAR] has charge, can only be interrupted in its consideration by a motion to go into Committee of the Whole, which suspends the rules. That bill must hold its place against the morning hour, and against any special order, until disposed of, because it comes before the House upon the highly privileged motion to reconsider, for which unanimous consent was given.

Mr. DAWES. I wish my colleague [Mr. E. R. HOAR] would press his bill to a conclusion as early as possible. The Committee on Ways and Means have been waiting for the morning hour for several days.

The SPEAKER. There can be no morning hour until that bill is disposed of.

Mr. DAWES. I am aware of that.

Mr. E. R. HOAR. I will press the bill to as speedy a conclusion as will be agreeable to the House. A general desire being expressed this morning to go into Committee of the Whole on the Indian appropriation bill, I was not willing to antagonize that measure.

Mr. DAWES. Of course I do not ask my colleague to press his bill against the appropriation bills.

Mr. E. R. HOAR. I suppose my colleague would admit that we are entitled to a reply to the speech of an hour which has been made this morning against the bill?

Mr. DAWES. I did not ask my colleague to call for an immediate vote upon the bill.

Mr. GARFIELD. I desire to remind the House that there are eight appropriation bills still to be acted upon by the House primarily—in the first instance.

Mr. NEGLEY. In connection with the remark of the gentleman from Ohio [Mr. GARFIELD] I desire to remind the House that the bill for the better security of life and property on steam vessels is a very important measure, and its consideration should not be deferred until the last hours of the session, to be defeated then for want of a vote in the Senate, as was the case in the last Congress; and I can see no reason why appropriation bills should take precedence of all other national legislation. This is national legislation; and I trust the House will kindly allow the early consideration of the bill. It was the agreement, I think—

Mr. GARFIELD. I call for the regular order.

The SPEAKER. The regular order is the motion that the rules be suspended, and the House resolve itself into Committee of the Whole on the Indian appropriation bill?

Mr. COBURN. I rise to a parliamentary inquiry. Did I understand the Chair to say that the regular order was to go into Committee of the Whole on the Indian appropriation bill?

The SPEAKER. The regular order is that when such a motion is made it must be submitted to a vote for the majority to decide.

Mr. COBURN. Would not the regular order be the consideration of the bill for the reduction of the Army? That was fixed as a special order some time since, and was driven before the legislative ap-

propriation bill for some days. It should now, I think, come up in regular order.

The SPEAKER. Precisely; but if a majority of the House decided to go into the Committee of the Whole on the Indian appropriation bill, the rules give them that privilege. The regular order of business is a motion to go into the Committee of the Whole on the state of the Union whenever the committee having charge of that bill may submit that motion.

Mr. COBURN. That is the regular order so far as that motion is concerned, but the regular order fixed by the House long ago, as I understand it, is the bill for the reduction of the Army, which was to come up immediately after the disposition of the other bill.

Mr. GARFIELD. The appropriation bills were specially excepted in making these special orders.

Mr. COBURN. Of course.

The SPEAKER. The gentleman from Indiana evidently means this, that if the House refuses to go into the Committee of the Whole on the appropriation bill, then his bill may become the special order.

Mr. NEGLEY. I will move to amend the motion to go into the Committee of the Whole on the Indian appropriation bill so that we may go into the Committee of the Whole on the business to which I have referred.

The SPEAKER. The question will be determined on a direct vote on the motion to go into the Committee of the Whole on the Indian appropriation bill.

Mr. COBURN. Before the House takes a vote on the motion to go into the Committee of the Whole on the appropriation bill I wish to say one word.

The SPEAKER. It is not debatable.

Mr. COBURN. I ask unanimous consent.

Mr. LOUGHRIDGE. I must object, in order that we may go on with the public business.

The House divided; and there were—ayes 143, noes not counted.

So the motion was agreed to.

#### TRANSPORTATION OF MAILS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Postmaster-General, in relation to the question of compensation to railroads for the transportation of mails; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITH, of New York, for two weeks, to Mr. G. F. HOAR for two weeks, and to Mr. RUSK for ten days.

#### MESSAGE FROM THE SENATE.

A message was received from the Senate of the United States, by Mr. SYMPSON, one of their clerks, notifying the House that that body had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

An act (H. R. No. 3093) to relieve David A. Telfair from political disabilities; and

A bill (H. R. No. 826) for the relief of Elias C. Boudinot.

It further announced that the Senate had passed bills of the House of the following titles without amendment:

An act (H. R. No. 368) for the relief of James Long;

An act (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians;

An act (H. R. No. 1722) for the relief of William N. Williams, late second lieutenant of volunteers; and

An act (H. R. No. 1933) to amend the thirty-first section of the act entitled "An act for enrolling and calling out the national militia, and for other purposes," approved March 30, 1863.

It further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes;

An act (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870; and

An act (S. No. 589) for the relief of Washington L. Parvin and Henry A. Green, late captains of California Volunteers.

#### INDIAN APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. POLAND in the chair) on the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

Mr. LOUGHRIDGE. I move that the first reading of the bill for information be dispensed with.

There was no objection, and it was ordered accordingly.

The Clerk then proceeded to read the bill by paragraphs for amendments.

Mr. GARFIELD. I hope, Mr. Chairman, that order will be observed in the committee in order that the explanations of the various appropriations in this bill may be perfectly understood by both sides of the

House. In my judgment, if members will listen to the statements of the gentleman from Iowa, [Mr. LOUGHRIDGE,] who has devoted much time and attention to this subject, the time of the committee will be saved very materially in disposing of this Indian appropriation bill.

Mr. LOUGHRIDGE. Mr. Chairman, for reasons very obvious, the expenses of the Indian Department have been for a few years past increasing in amount; though I am satisfied, upon a careful survey of the field, that they have arrived at the maximum, and that in a few years they will rapidly decrease.

The appropriations in this bill have been fixed at as low a figure as would, in the opinion of the committee, be expedient or safe. The only fear I have is that we have cut down too severely; for there is no department of the public service where insufficient appropriations are liable to work so great loss to the Government as the Indian Department. The failure to make a small appropriation of a few thousands which ought to be made might involve us in an Indian war, at a cost of millions.

And yet, sir, the principles of economy and retrenchment must be applied to this department as well as to others, and the wisdom and discretion of Congress must fix the amounts to be expended.

We have not come up to the recommendations of the executive department in the amounts appropriated in this bill, but we think that with that retrenchment, care, and economy which ought to be enforced in all departments of the Government the amounts of money appropriated by this bill will meet all proper requirements of the service, with some amendments which the Committee on Appropriations will offer to the bill during its consideration. I hope we are not mistaken, for I should regret sincerely were we to make a mistake in this respect.

The original estimates of the department for the year amounted to \$6,765,000, and the revised estimates to \$6,165,000, while the amount appropriated by the bill is \$4,965,488; the reduction from the original estimates being \$1,800,000, and from the revised estimates \$1,200,000.

In cutting down expenditures the committee have endeavored to confine their reductions as far as possible to those expenditures the direct benefit of which do not inure to the Indians, and which could be reduced without seriously crippling the service. By the provisions of this bill the expenditure for the incidental expenses of the agencies will be reduced about \$250,000, and we hope without serious detriment to the service.

We have abolished some of the agencies among some of the civilized tribes, and have abolished all of the superintendencies except two. The amount appropriated in the general appropriation bill for the Indian Department for the present fiscal year was \$5,379,000. There will be deficiencies to the amount of \$557,000, making the total expenses of the department for the present year \$5,936,000.

The question is often asked, and it is a very natural one, why is it that the expense of the Indian service is increasing, while the Indians are decreasing in numbers? And the fact is pointed to that fifty years ago, when there were more Indians than now, the expenses of the service amounted to less than \$1,000,000 per annum.

The reason for this, sir, is very apparent. At that time a large extent of fertile country was in the possession of the Indians, comprising a great proportion of the now Northwestern States. They had all the country to roam over; the forests were full of all kinds of game, and the streams abounded with fish. The Indian roaming at will needed no aid; game and fish were entirely sufficient for his support. What a contrast between his then and his present condition! Now they are crowded back and driven upon some defined and limited reservations, the greater number of them composed of barren mountains and alkali plains, on which it is impossible to obtain a subsistence by agriculture, for Indians or for white men. On these reservations the game is entirely exhausted; there are no streams, and consequently no fish; and on these reservations they are confined, and forced by the Government to remain. They are, as it were, imprisoned thereon. As far as the wild Indians are concerned, they are subject to be shot down by the soldiers if they are found off the reservations.

Now, sir, what is the result of this? Necessarily, the Indians must either be fed by the Government or they must leave the reservations in quest of subsistence, and not having the means of obtaining it, will either starve or steal. The hostility of the white settlers in the vicinity of the Indians is also a detriment in the way of their being self-supporting. The following extract from the report of Major-General McDowell, in 1866, at that time commanding the Department of the Pacific, illustrates this point:

The difficulty here, as it is everywhere else in this country, is with the white more than the Indian. Could the former be placed under some restraint and not suffered to shoot and maltreat the natives with utter impunity we would have no trouble whatever. In the northern part of the valley the Indians work in the mines and on the farms, and they would do so in the southern portion, but a few of the settlers who believe in shooting every Indian on sight prevent it, and force them to remain in the mountains, whence they from time to time come forth to steal that they may not starve.

In my statement of the present condition of the Indian reservations and their character, I desire to except the Indian Territory, which is a fertile country, capable of sustaining all the Indians of the country, and to which they should all be removed gradually, and a course taken looking to their elevation to citizenship and to future representation in the Government.

This statement of the contrast in the condition of the Indians now with their condition fifty years ago is a sufficient explanation and

justification of the increased expense to the Government. The Indians are imprisoned by the Government, and they must be subsisted; to refuse to do so would be as barbarous as to confine men in prison and permit them to starve. When men talk of increase in expenditures they should think of, and take into consideration, the changed state of affairs. In the present condition of affairs the Government can pursue no other course than it is now pursuing, and any other course would be vastly more expensive.

The Indian question, Mr. Chairman, is one of the most important now challenging the attention of the country. In the past twenty-five years other questions have to a great extent monopolized the attention of the people; but those questions—slavery, rebellion, and reconstruction of the Union—have been settled, and the attention of the people seems to be now directed to this Indian question. It involves principles of philanthropy and of justice, principles which always challenge the attention and enlist the sympathy of the American people; and as a consequence this question is receiving more general attention from the people than it has ever before received. The desire of the philanthropist is to lift up and save a downtrodden and degraded race, and of the statesman to get rid at the earliest possible day, and in an honorable way, of the annual expenditure from the national Treasury.

The study of the Indian race of this country is an exceedingly interesting one to the ethnologist, to the philanthropist, and to the statesman.

The origin of the race is shrouded in the most impenetrable mystery. Its known history is sad and tragical, beyond that of any other race in the annals of the world.

Our forefathers found them in possession of this country, as was said by the governor of Massachusetts in an address in the hall of the State-house at Boston, in 1836, to a delegation of Indian chiefs.

In former times the red man's wigwam stood on our very fields and his council-fire was kindled on this spot. When our forefathers came to this country they were but a small band. The red man stood on the rock on the sea-side and looked at them. He might have pushed them off and drowned them; but he took them by the hand and said "welcome." Our forefathers were hungry, and the red man gave them corn and venison; they were cold, and the red man spread his blanket over them and made them warm.

At that time, Mr. Chairman, the Indians possessed the entire continent; their title to it as perfect as the title of any people in the world to their national domain. The smoke from their wigwams rose from all its hills and valleys, and the red man roamed, proud and fearless, from the Atlantic to the Pacific and from the Lakes to the Gulf, free as the wild deer that fled at the sound of his approaching footsteps. Their light canoes sped swiftly over the waters of the Connecticut and the Mohawk, the Juniata and the Miami, the Cumberland and the Ohio. Two centuries have passed. Those rivers all roll as they rolled that day, but the Indians—where are they?

Slowly and gradually, generation after generation, they gave way and retired before the advancing wave of Anglo-Saxon civilization, giving up with sad hearts their homes, their hunting-grounds, and the graves of their fathers; striking back at times with cruel and relentless desperation against those whom they regarded as their invaders, and yet compelled, as by the fiat of fate, ever to recede and to give up forever forests and prairies and rivers, and pass on toward the setting sun, until to-day they who two centuries and a half ago owned the continent and numbered millions now have but the right of possession by the sufferance of the Government of a few reservations west of the Mississippi River; paupers, the most of them, upon the Government, and trembling as it were in the scales between civilization upon the one hand, and extinction upon the other.

For the Indian there is no middle ground; he must either be civilized and adopt the customs of civilized life, or he must become more and more degraded, more and more an outcast and vagabond, and finally perish from off the face of the earth. What shall be his fate is for the Government to say. The true, just, and righteous policy of the Government is to civilize and save the race from extinction. In the incidental discussion of the Indian question upon this floor a few weeks since some strictures were made upon the policy of the Government in the management of the Indian question, and some gentlemen were pleased to denounce the policy as ineffectual and extravagant, and to advocate a change of the policy by turning the Indians over to the control of the War Department. It is claimed by the advocates of such a change that it would be more economical, and I believe that this is the only ground on which the policy is advocated. Now, sir, if economy is the only item to be considered in this question, if there is no higher or broader view to be taken than that, still to adopt such a policy would be a fatal mistake.

The adoption of such a policy would assuredly result in wars with the Indians; and the experience of the past in connection with the Indians has demonstrated beyond the shadow of doubt that the war policy is by far more expensive than the peace policy; that it is cheaper to feed Indians than to fight them. Fighting Indians is a very expensive luxury. The Indian is in war an enemy not to be despised; when he goes to war he enters upon its dreadful work with earnestness and determination, himself the very embodiment of courage. When on the war-path he is on an errand of vengeance, and no amount of blood satisfies him. With him the theory is that all wrongs are to be redressed by war, and in our intercourse with him we have failed to provide peaceful means of redress for the wrongs suffered by him, and he knows no law except that of retaliation. In battle

he never surrenders, and he is the more excusable, therefore, in that he never accepts capitulation at the hands of others. He neither grants quarter nor asks it, but fights under the black flag. Proud and haughty himself, and yet conscious of the contempt of the white man, when suddenly aroused by some new wrong the remembrance of old ones still rankling in his breast, he seems transformed into a very demon. History gives no instance of a race more determined in war, and our wars with them demonstrate this fact; for the expense and loss of life in Indian wars has been on our side most frightful in comparison with the loss inflicted upon them, or the results attained. In proof of this fact I ask the attention of the committee while I recall the facts connected with some of our wars with Indians in the past.

#### FLORIDA WAR.

I will go no further back than to the war with the Seminole Indians of Florida, which was waged from 1835 to 1842. This war was caused by attempts to recapture and return some negroes who had escaped from slavery and fled to Florida, and had there intermarried with the Indians and been adopted by the tribe. The Indians refused to surrender them, and the result was a war. The Indian warriors numbered about fifteen hundred all told. Against them were engaged the entire regular Army of the United States and several thousand volunteers, aided by the Navy, and the contest lasted about seven years. Fifteen hundred whites were killed, and the expense to the national Treasury was not less than \$50,000,000. The life of one white man was lost for each Indian warrior engaged, and the money paid for expenses would average \$33,000 for each. This was the cost of a war with a few starving Indians in the everglades of Florida—Indians who were regarded as a mere outcast remnant, too feeble to be in the least dreaded in a war.

#### SIoux WAR OF 1852-'54.

The war with the Sioux Indians in 1852-'54 was a very expensive war, and, like the Florida war, was entirely unnecessary and brought about by soldiers of the regular Army. Some bands of Sioux Indians were encamped within six miles of Fort Laramie. They were at peace with the United States and on terms of friendship with the soldiers at the fort. A Mormon train was passing and lost a cow. It was ascertained that an Indian had found the cow and slaughtered it. Complaint was made at the fort, and a soldier was sent to the Indian camp. The chief promised to make compensation for the cow to the owners. But this was not by the officer in command of the fort considered satisfactory, and a lieutenant was detailed with a company of soldiers to arrest the Indian. They went to camp and demanded the surrender of the Indian. This was refused on the ground that he could not be found, and the soldiers fired and killed one Indian chief. The war-whoop was sounded, and the lieutenant and every soldier of the company was killed. The war that followed lasted two years, and cost the Government \$40,000,000 and several hundred lives, and a large amount of private property was destroyed.

The Oregon Indian war of 1854 and 1855 was also a very expensive war.

In 1851 the troops were removed from Oregon and the Indians were placed under the charge of a superintendent, and from that time until 1853 there was no trouble with the Indians, and the Government was not called upon to pay one dollar to quell Indian disturbances. In 1853 the superintendent was removed and the troops taken back. The result was that war soon broke out and continued for two years, costing the Government during these two years, \$10,000,000, while during the three years immediately previous to this war the total civil expense of the Indian service in Oregon, California, and Idaho was but \$25,000.

#### CHEYENNE WAR, 1864-'65.

The Cheyenne war of 1864-'65 was brought on in 1864 by the aggressions of the whites, and furnishes a fair illustration of the injustice with which the Indian has generally been treated.

The Cheyennes had been friends and allies of the Government, and had done more to make travel across the plains safe to the whites than any other class of people. In April, 1864, a ranchman, named Ripley, went to Camp Sanborn, on the South Platte and charged the Indians with stealing his stock. A Lieutenant Dunn proceeded with a detachment of soldiers to hunt for the stock among the Indians, but failed to find it. Falling in with a company of Cheyennes, an attempt was made to disarm the Indians; they of course resisted, and in the *mélée* one soldier was killed and several wounded; and this commenced the war. Afterward the head chiefs gathered all their people together they could, and proceeded in December, 1864, to Fort Lyon and surrendered themselves, and offered to do all in their power to restore friendly feelings and peace.

The commanding officer of the fort guaranteed them protection, designated a place for them to camp on Sand Creek while the young men and chiefs were absent to bring in the hostile Indians and procure food for their people, and the officer gave them a United States flag to indicate their friendship and secure their protection. While thus encamped, with the flag over them and feeling the greatest security, a few chiefs who had always been firm friends of the whites, some old men and many women and children being present, a body of United States troops approached. The Indians presuming of course that they were on a friendly mission, a chief, White Antelope, who had been a friend of the whites on the plains, stepped out to

meet the troops and greet them. As he did so he saw the line of soldiers halt and prepare to fire. He raised his hands to his face and was shot down, and an indiscriminate slaughter of women and children commenced. Twelve old men and one hundred and fifty women and children were put to death by the troops; helpless infancy and decrepit old age shared the same fate. Women were scalped, disfigured, and disemboweled. Some of the few captured children, after they had been carried many miles by the troops, were taken from the wagons and their brains dashed out. I gather this from the records and official reports, and blush to say that its truth cannot be questioned.

Exasperated and maddened by this cold-blooded butchery of their women and children and old men, the remnant of the tribe sought the aid of the Kiowas and Comanches, and obtained both. The result was the general Indian war of 1865, which cost the Government \$35,000,000 and much loss of life. Conflagration and death were carried to all the border settlements, and the Government was compelled to draw from the force in the field, warring against the rebellion, about eight thousand soldiers. In this war fifteen or twenty Indians were killed, at an expense of more than \$1,540,000 each, hundreds of our soldiers lost their lives, and many border settlers were massacred. After carrying on the war about a year, the prospects of conquering a peace not being encouraging and the country becoming enlightened as to the origin and nature of the war, public opinion demanded that steps be taken to end it; and a peace commission, composed of Generals Harney, Sanborn, and others, was authorized to make a treaty of peace, and what could not be done by fighting was done by a talk with the Indians, and a treaty of peace was entered into in October, 1865, at the mouth of Little Arkansas. As soon as that treaty was signed the war ceased, and the terms of it were faithfully observed by the Indians, and the Cheyennes and Arapahoes settled down in peace.

In this war the number of Indian warriors engaged was but two thousand. For every Indian warrior killed fifteen white men were slain. This was the result of this war forced upon the Indians by outrages and crimes that ought to put to blush the veriest savages. In our denunciation of the barbarities of the Indians we are too apt to forget the sins of our own race.

It is due to the Army to say that the soldiers who committed this massacre were not of the regular Army, but were a Colorado regiment of nine hundred men. I find on page 96 of Reports of Committees of Senate, No. 156, second session Thirty-ninth Congress, the sworn statement of a witness who was present at that massacre, and who states that he saw the United States flag floating over the Indians before the firing commenced, and when the troops were within fifty yards of the Indians the Indians raised a white flag, and that he heard one of the chiefs tell the Indians to stand around the flag, and that they were huddled around the flag when they were killed.

#### CHEYENNE WAR OF 1867.

From the termination of war by the treaty of 1865 until 1867 the Cheyenne Indians were at peace, and all that section of country was free from trouble.

I read the following extract from a letter written by Lieutenant-General Sherman, dated at Fort Lyon, Colorado, September 30, 1866:

The Utes are harmless and peaceable, and the Cheyennes and Arapahoes are off after the buffalo, God only knows where, and I do not see how we can make a decent excuse for an Indian war. I have traveled all the way from Laramie without a single soldier or escort. I meet single men, unarmed, traveling along the road as in Missouri. Cattle and horses graze loose far from their owners, most tempting to a starving Indian; and though the Indians might easily make a descent on these scattered ranches, yet they have not done so, and I see no external signs of a fear of such an event. I went down the Arkansas and traveled in three days one hundred miles to this post, Fort Lyons. I did not see or hear of an Indian the whole distance, although we passed through the whole length of the Cheyenne and Arapaho reservation.

And yet the next season a war broke out with these same Cheyennes. Why this change from a state of peace and security, as described by General Sherman in September, 1866, to the bloody scenes of 1867? Was it the fault of the Indian?

I read as follows from the report of the Secretary of the Interior to the House of Representatives, July, 1867, to show how war was again precipitated and hostilities reopened with the Cheyennes, in the spring of 1867:

In April, 1867, the Cheyennes, who had been at peace since the treaty of 1865, were quietly occupying their village on the grounds assigned to them by that treaty, when a military command under Major-General Hancock, without any known provocation, burned down the homes of three hundred lodges, (including about one hundred lodges of friendly Sioux,) and all their provisions, clothing, utensils, and property of every description, property thus being destroyed to the value of \$100,000.

This act of outrage launched us into another Indian war. The Kiowas and Comanches were involved, and during 1867 and 1868 that war cost the Government, according to the estimate of the Secretary of the Interior, \$40,000,000.

#### THE SIoux WAR OF 1866.

In 1866 a fierce and bloody war broke out with the Sioux. I give the words of the report of the Secretary of the Interior, as to the origin of that war, in the following extract from Executive Document No. 13, first session Fortieth Congress:

The Indians engaged in the recent hostilities gave notice that they were ready to bury the tomahawk. Commissioners were accordingly sent to treat with them at Fort Laramie, in June, 1866. The commissioners insisted that the Indians grant in

the treaty the right to establish two forts on Yellowstone, and at the base of Big Horn Mountains, the only remaining reliable hunting-grounds of these Indians. The Indians in the vicinity of the proposed forts refused to accede to this. While this matter was under consideration a military force arrived on its way to plant the forts. The Indians being informed that these troops were to plant the forts, with or without their consent, withdrew from the council, refused to accept presents, and went to war with the troops.

In a few weeks the Black Hills were swarming with Indian warriors, and that whole country was in a state of siege.

In the transaction that brought on this war the Government was without doubt in the wrong. The entering upon the reservation of the Indians and taking possession of the forts thereon was in direct and flagrant violation of the treaty with the Indians. This war cost the Government from ten to twenty million dollars, and the loss of many hundred lives. Nothing was gained by it; and a treaty was finally made by which peace was secured on no better terms than it could have been secured before the war was commenced, for by the treaty the Government vacated forts C. F. Smith, Phil. Kearney, and Reno, the establishment of which on the reservation in violation of the treaty was the sole cause of the war.

#### THE NAVAJO WAR.

The celebrated Navajo war was commenced in this way: It seems that the Indians shot a negro boy, the servant of an officer, and they refused to surrender the slayer; but they proposed to make reparation after the Indian custom, by pecuniary satisfaction.

Four campaigns against the Navajoes resulted, in three of which our Army failed of success; in the fourth, by the strategy of the celebrated Kit Carson, the Indians were compelled through starvation to surrender. This war cost \$23,000,000 and much loss of life, and accomplished nothing.

The cost of the army in New Mexico, engaged only in watching Indians, is estimated by General Sherman in his report of 1836 to have been, from 1846 up to 1866, \$100,000,000. Since that time the cost in that Territory has been \$20,000,000; making the entire cost of controlling Indians by the military, in New Mexico alone, \$120,000,000.

The cost of the army in Arizona, used only to control the Indians there, is estimated by Major-General Ord in his report of 1869 to average \$3,000,000 annually; and Major-General Schofield in his report of 1871 states that \$3,000,000 per annum is the minimum cost; and this in the space of fifteen years past would aggregate \$45,000,000. The extra cost of the campaigns against the Apaches would swell the amount to at least \$75,000,000.

#### THE MODOC WAR.

The last experiment we have had in the way of war with Indians was the celebrated Modoc war, if a contest with a few dozen Indians may be called a war.

The history of this war is one that reflects no credit upon the Government, while it strikingly exemplifies the utter folly of the policy of fighting Indians as a question of economy.

I have endeavored to look into the facts connected with the outbreak of that war, and the result of my examination is the conviction that the war was entirely unnecessary, could easily have been avoided, and that the fault lay at the door of the Government; that it was caused by gross wrongs inflicted upon the Modocs by the Government, and was precipitated by the rashness of military officers.

Prior to 1864 the Modoc Indians had possession of a small tract of country on Lost River, near Tule Lake, where there was abundance of fish and game. There was some good land, and the white man determined that he must have it, and the Indian must leave; for it has been the universal practice never to let the Indian retain any good land for a very long time when white men want it. So a treaty was fixed up with the Klamaths and Modocs in 1864, by which those Indians agreed to give up the lands they were then on and go to a new reservation. The new reservation was barren and almost worthless, but the Government agreed to pay as consideration for the removal and the release of the lands of the Indians as follows: \$8,000 per annum for a period of five years, commencing on the 1st day of October, 1865, or as soon thereafter as the treaty should be ratified, and certain smaller annuities annually for ten years thereafter; also to pay said Indians the additional sum of \$35,000 for purchase of tools, farming implements, seeds, clothing, &c.; also to build, as soon as practicable after the ratification of the treaty a saw-mill, flouring-mill, suitable buildings for a blacksmith, carpenter, wagon-maker, and buildings for manual-labor school and a hospital; which buildings were to be kept in repair at the expense of the United States for twenty years, and tools and materials for the saw-mill, flour-mill, carpenter, blacksmith, wagon-maker, and books and stationery for the manual-labor school were to be furnished by the Government for twenty years.

These were the conditions upon which the Modocs agreed to release their lands and go to the new reservation. This treaty was not ratified by the Senate until July 2, 1866, nearly two years after it was made. When ratified by the Senate certain amendments were made to it, which rendered it necessary that the amendments should be assented to by the Indians before the treaty was binding upon either party. The assent of the Indians was not given until December 10, 1869; consequently until that date there was no existing treaty for removal.

The treaty was proclaimed February 17, 1870. Captain Jack and his band claimed that they had never assented to the original treaty; but on the theory that they had, they were not authorized to consider

the treaty binding until December 10, 1869. Prior to this date, and before the treaty was ratified, the Klamaths, the more numerous tribe included in the treaty, went to the new reservation; but Captain Jack and his band of Modocs did not go until the treaty was fully perfected.

In 1866 the Government paid to the Indians who had gone on the new reservation, or rather paid to their agent for them, the amounts due all the Indians included in the treaty for the first year, \$65,400; thus paying this money to only a portion of the Indians included in the treaty, the Modocs getting none of it. The annuities due in 1867, 1868, and 1869 were also paid in the same way—before the treaty was perfected—the Modocs getting none of the money. In December, 1869, the same month the treaty was finally perfected and made binding by the formal assent of the Indians to the amendments by the Senate, Captain Jack, with his Modocs, went to the new reservation. And what did they find? They found that the greater portion of the consideration had been paid by the Government to the Indians who had gone in advance. They found no saw-mill, no hospital building, no school-house, no teachers, no books; they found nothing provided by the Government; they found that the Government had entirely failed to carry out the provisions and agreements so solemnly made in the treaty.

I see that two years later, August, 1872, the agent for that reservation, who had then been appointed, on taking charge made a report of the condition of the agency, from which I read the following words:

On taking charge the 1st of May, 1872, I found no attempt had been made to establish a school of any kind; no school-house erected, and no funds on hand to use; no teams, and no tools.

These Modocs spent the winter of 1869-70 at the reservation. They were treated by the Klamaths in a hostile and oppressive manner, and they were so much weaker than the Klamaths that they were in their power. To relieve them from the hostilities of the Klamaths they were removed two or three times to different parts of the reservation, but they were followed up by the Klamaths. They had no protection by the Government against the encroachments of the Klamaths; they had no food and were compelled to kill and eat their ponies. Now, I claim that by no rule of law or principle of justice were they required to remain upon that reservation. They left it, as they had a right to leave it, and went back to their old home on Lost River.

General Canby in his report of 1872 says: I am not surprised at the unwillingness of the Modocs to return to the reservation, where they would be exposed to the hostilities and the annoyances they have heretofore experienced (and without adequate protection) from the Klamaths.

After they thus returned to their old home some arrangements were made with them of a temporary character, which I learn from the same report of General Canby, from which I read as follows:

In the summer of last year (1871) the superintendent sent commissioners to confer with the Modocs at Lost River, who authorized them to remain where they were until the superintendent could see them. This has been understood as a settlement of the question until some permanent arrangement could be made for them, and, unless they have violated some subsequent agreement, I do not think that the application of force, as asked for, would be either expedient or just.

These Indians, thus compelled to return to their old home, were not inclined to stubbornly resist the Government. All they wanted was a place to live, where they could live; but it was impossible for them to live on that reservation with the Klamaths. They expressed a desire for a reservation separate from the Klamaths, and were willing to go wherever the Government desired, where they could live.

But the secret of all the trouble was that the country they had had possession of at Lost River was wanted by the white settlers, and the Indian must go, and in the fall of 1872 an order was issued for their immediate and unconditional removal to the Klamath reservation.

They refused to remove, and a military officer rashly made an attempt to arrest some of the chiefs. The result was a war, in which the Government lost one hundred and sixty lives and the Indians lost twelve. And this little war with these few dozens of ragged Indians, which could have been avoided honorably, and ought to have been, cost us millions of dollars. And what did the Government gain? The Modocs are not on the Klamath reservation. After they were conquered, they were taken three thousand miles and placed upon a good reservation in the Indian Territory. This was all they asked before the war; why could it not have been granted then?

The name of Modoc is now a synonym for infamy by reason of the cruel assassination of the United States peace commissioners, and General Canby, under the flag of truce. And while I do not stand here to apologize for that cold-blooded butchery, yet it is but just to those who have no advocate, and few friends, for me to say that the Modocs had had wrongs sufficient to drive to desperation any people in the world; and we should remember in our denunciation of their barbarism that they were in that bloody drama following the example which had been set them by the white man in the cold-blooded assassination by white men of forty Modoc Indians out of a party of forty-seven who had met at a convivial occasion on invitation of the whites, and who fell on them unexpectedly, and thus murdered them, and this was in 1852 near that same spot.

Is it surprising, sir, that savages at war should follow the example thus set them by civilized white men?

The men who were assassinated by the Modocs were good men; they were not responsible for the wrongs done to the Indians; but white men were held responsible, and the innocent suffered.

After a careful reading of the published correspondence, it is my

conviction that if there had been no soldiers within five hundred miles, and the officers of the Government had desired to act honorably with the Indians, the entire difficulty would have been amicably settled without war or loss of life; for all the Modocs wanted was ordinary justice, which was refused to be done, and in the language of Captain Jack it was simply a question whether to die by bullets at their old home or to starve to death among the Klamaths. They were willing and anxious to settle down peaceably on any reservation where they could live and have land to cultivate; and the Government, having disregarded the treaty itself, had no right to force the Indians to go to the Klamath reservation. This whole Modoc affair is a fair exemplification of the injustice with which we have been accustomed to treat the Indian, and the usual course in which his legal rights have been ignored and disregarded where the interests of white men stood in the way; and it is certainly a striking proof of the inexpediency of the war policy in connection with the Indians.

This, Mr. Chairman, is a brief review of the history of some of our Indian wars for the past forty years; and if in this record there is any encouragement for those who advocate a military policy for the Indian service, I fail to see it.

It is estimated that the cost of military operations against Indians for the past forty years amounts in the aggregate to over \$500,000,000, of the correctness of which estimate I have no doubt.

With this record before the country, it is difficult to see upon what ground the policy of turning the Indians over to a war policy can be maintained, even as a matter of economy.

The advocates of the peace policy are perfectly willing to submit to the test of past experience this question, and to try it simply upon economical grounds; for the records will show that the entire expenditure in the civil department of the Government in the past forty years has not exceeded in the aggregate \$60,000,000. I do not, of course, include in this the amounts paid to Indians as purchase-money for lands bought of them by the Government.

I do not claim, Mr. Chairman, that all this great expense in connection with the Army could have been avoided. While the most of the wars were unnecessary and ought to have been avoided; yet in the control and subjection of the wild Indians the Army has been and is a necessity, and very much of the expense has been unavoidable. So far as the wild Indians are concerned they must still be kept in check by the Army, and the military arm held over them until they are sufficiently civilized to permit the entire withdrawal of the Army, as the large majority of them are now. But the great truth exemplified is, that in simply an economical point of view it is the true policy to civilize the Indian, and to get rid of the necessity of the Army at the very earliest possible day, and that to do so is true economy.

The Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles in the Indian Territory number sixty thousand, and they do not receive a cent of gratuity from the Government. No soldiers are required there; and no Army expense while in Arizona, to restrain ten thousand wild Apache Indians, the Government pays \$3,000,000 annually for the Army.

Why this difference? Because the five tribes first mentioned are so far civilized that they require no military control. You find among them school-houses and churches, but no forts; school-teachers, but no soldiers; you find there the printing-press and the newspaper. Therefore it is that while the ten thousand Apaches in Arizona cost the Government for the Army \$3,000,000 annually, the sixty thousand Indians named, in the Indian Territory, are no expense to the Government.

Is it not, therefore, good policy and true statesmanship to educate and civilize the Apaches at as early a day as possible, and without regard to the expense? The answer must be yes; and it is equally true as to the Comanches and Cheyennes and the wild Sioux of Dakota.

I append, Mr. Chairman, the following table, showing the number of Indians in each State and Territory, the names of the agencies and of the agents in charge:

Table comprising a list of the several Indian agencies, with the names of the agents and the number of Indians at each agency, in the various States and Territories.

State or Territory.	Agency.	Agent.	Number of Indians.	Total.
New York	Forestville	Daniel Sherman	5,141	
Michigan	Lansing	George I. Betts	9,167	
Wisconsin	La Pointe	Isaac L. Mahan	5,125	
	Green Bay	Thomas N. Chase	3,600	
			8,125	
Iowa	Sac and Fox	A. R. Howbert	335	
Minnesota	Chippewa	E. Douglass	4,547	
	Red Lake	R. M. Pratt	1,141	
			5,688	
Nebraska	Great Nemaha	Charles H. Roberts	316	
	Winnebago	Taylor Bradley	1,522	
	Omaha	T. T. Gillingham	1,001	
	Pawnee	William Burgess	2,376	
	Otoe	J. W. Griest	447	
	Santee	Joseph Webster	917	
			6,579	

Table comprising a list of the several Indian agencies, &c.—Continued.

State or Territory.	Agency.	Agent.	Number of Indians.	Total.
Kansas	Kickapoo	B. H. Miles	274	
	Kansas or Kaw	M. Stubbs	533	
	Pottawatomie	M. H. Newlin	483	
			1,290	
Indian Territory	Quapaw	H. W. Jones	1,219	
	Neosho	J. T. Gibson	2,823	
	Sac and Fox	John H. Pickering	1,136	
	Kiowa and Comanche	J. M. Haworth	5,005	
	Wichita	J. Richards	1,528	
	Upper Arkansas	J. D. Miles	3,070	
	Cherokee	J. B. Jones	17,217	
	Choctaw	Albert Parsons	22,000	
	Creek	Edward R. Roberts	13,000	
	Seminole	H. Breiner	2,438	
			70,333	
New Mexico	Navajo	William F. M. Army	9,114	
	Mescalero Apache	Samuel Bushnell	1,875	
	Cimarron	Thomas A. Dolane	1,110	
	Southern Apache	B. M. Thomas	500	
	Pueblo	E. L. Lewis	7,879	
	Abiquit	William D. Crothers	1,270	
			21,848	
Dakota	Yankton	J. G. Gasmann	1,947	
	Sisseton	M. N. Adams	1,540	
	Devil's Lake	William H. Forbes	1,020	
	Cheyenne River	H. W. Bingham	6,000	
	Whetstone	E. A. Howard	5,000	
	Grand River	Ed. Palmer	6,269	
	Fort Berthold	L. B. Sperry	2,103	
	Upper Missouri (Crow Creek)	H. F. Livingston	3,000	
	Ponca	C. P. Birkett	738	
	Flandreau (no report)	J. P. Williamson	250	
			27,867	
Colorado	White River	J. S. Littlefield	800	
	Los Pinos	C. Adams	3,199	
	Denver	J. B. Thompson	350	
			4,349	
Arizona	Pima and Maricopa	J. H. Stout	4,326	
	Colorado River	J. A. Tonner	5,024	
	Moguis Pueblo	William S. Defrees	1,700	
	Papago	R. A. Wilbur	6,000	
	Camp Verde	J. Williams	2,058	
	Camp Apache	J. E. Roberts	2,814	
	Chiricahua	T. J. Jeffords	1,100	
			26,022	
Montana	Blackfeet	R. F. May	7,500	
	Crow and Lemhi farm	James Wright	4,577	
	Milk River	William W. Alderson	10,625	
	Flathead	D. Shanahan	1,821	
	Fort Belknap	W. H. Fanton	7,130	
			31,953	
Wyoming	Shoshone and Banacks	James Irwin	1,024	
	Red Cloud	J. J. Saville	9,477	
			10,501	
Utah	Uintah Valley	J. J. Critchlow	1,500	
Idaho	Fort Hall	H. W. Reed	2,807	
	Nez Percé	J. B. Monteith	2,807	
			4,307	
Washington	Neah Bay	E. M. Gibson	604	
	Yakama	J. H. Wilbur	3,000	
	S'Skokomish	Ed. Eells	875	
	Tulalip	E. C. Chirouse	3,600	
	Quinalt	G. A. Henry	544	
	Colville	J. A. Simms	2,849	
	Puyallup	None, farmer in charge	2,200	
	Chehalis	None, farmer in charge	600	
			12,782	
Oregon	Warm Springs	John Smith	626	
	Grand Ronde	P. B. Sinnott	924	
	Siletz	J. H. Fairchild	1,058	
	Umatilla	N. A. Cornoyer	837	
	Klamath	L. S. Dyar	1,120	
	Alsea	In charge of employé	343	
	Malheur	H. Linderville	1,200	
	Not under any agent, (estimated.)		3,000	
			9,108	
California	Hoopa Valley	E. K. Dodge	725	
	Round Valley	J. L. Burchard	1,119	
	Tule River	J. B. Vosburgh	317	
	Mission		4,000	
	Not under any agent, (estimated.)		15,000	
			20,161	
Nevada	Pyramid Lake	C. A. Bateman	6,000	
	Southeast Nevada	George W. Ingalls	3,000	
	Not under any agent, (estimated.)		4,204	
			13,204	
Indians in North Carolina, Tennessee, Georgia, Florida, and Texas, not under any agent, (estimated.)				2,000
Total				292,188

It appears from this table that there are about three hundred thousand Indians, not including the Indians of Alaska. Of these three

hundred thousand there are not more than forty-five thousand that require any military control; the wild Sioux of Dakota, numbering about twenty-five thousand; the Apaches of New Mexico and Arizona; and the Kiowas, Comanches, and Cheyennes, numbering about twenty thousand.

Of these Indians the wild Sioux are gradually and as rapidly as could be expected becoming peaceable and tractable, and the presence of a small force of the Army is all that is now required, or that will be required if the proper care and discretion are exercised. It is for these wild Indians that the larger portion of the expenditure of funds is required. We appropriate \$1,350,000 for the Sioux, including all the bands, and while this seems a large sum, yet it is small compared with what it would cost to fight them. General Ord estimates that to fight the Sioux he would require \$10,000,000 the first season, and to go into a war of extermination it would take a generation; so that the expense can be better imagined than calculated.

Our only course with the Sioux is to keep peace with them and avoid war—feed them until they get tamed down. They will lose their wild character, their inclination to rove, and their desire to fight; and we must get them into a condition where they can be controlled and gradually got to labor.

This wild element of the Sioux does not include the entire nation. The whole Sioux Nation numbers about thirty-five thousand; but a portion of them are now so far civilized that they are peaceable and manageable, and cannot easily be led into war. Among these are the Yankton Sioux, who number about two thousand.

I make the following extract from the report of the agent of the Yankton Sioux in Dakota, made September 20, 1873:

A great number of houses have been built on this reservation during the past year, and many are under way. These houses are well built, of logs.

During the spring and summer the Indians have remained quietly at home planting and tending their corn, potatoes, and gardens.

The religious services of the several churches of this agency are remarkably well attended. The conduct of the Indians at church is good; they are quiet, orderly, and to a good degree attentive. Quite a number of their young men have been prepared, and conduct their services in the Indian tongue; quite a large number have become church members, and are endeavoring to live in accordance with their solemn vows. Bishop Hare, of the Episcopal Church, has taken up his residence at this agency.

As showing the improvement in the wilder portion of the Sioux, I read the following extract from a report made by Bishop Hare, of the Episcopal Church, who was chairman of a commission to examine into the condition of the Sioux, and who made this report in March last. Bishop Hare appeared before our committee the other day, and we were impressed with the fact that he is a true and devoted man, and one upon whose opinion and judgment much reliance can be placed. He has made his home among the Sioux, and is laboring for their civilization:

The advance which has been made toward the solution of the Sioux problem, in the case of all those tribes which have been brought under the operation of the present policy, is manifest. It was but six years ago that the Indians now gathered about the Red Cloud and Spotted Tail agencies were constantly upon the war-path, and were among the most dangerous foes of the Government. Under the present policy their wild, fierce spirit has been taming down and their proud sense of power and the defiant temper which resulted from it have been decreasing, while their dependence upon the Government has been increasing every month, so that a general war movement on their part, except under extraordinary provocation, is almost out of the question. Your commissioners have failed to discover any symptoms calculated to weaken their faith in the practical wisdom of the present policy of the Government and of its desire to avoid a war with the Sioux if it be possible. The history of our past Indian wars is humiliating. It is folly to drive to desperation, except under the pressure of absolute duty, a wild and ferocious people, who could bring into the field from six to seven thousand warriors, with whom war is a passion, who range over a wild country of vast extent which is a *terra incognita* to the white man, but every inch of which is familiar to the Indian, and whose warfare would be characterized by all the peculiar difficulties with which guerrilla war confronts the army of a civilized people.

Only two methods of carrying on such a war can be conceived of, it is believed, which would give any assurance of success.

The first is to descend to the level of the Indian and fight him with wild frontiersmen, after his own savage mode; a course which a civilized people cannot adopt without self-degradation.

The other method is to inaugurate war on a scale gigantic enough to surround or occupy the whole Indian country; a plan which would call for an expenditure of money and the raising of an army which our people are not likely to authorize and sustain unless under a sense of duty or of wounded national honor, which there is no likelihood the present or future attitude of the Indians will create.

The Shoshones and Bannacks in Wyoming, the Crows and Blackfeet north and northwest of the Sioux in Montana, and the Arickarees in the northeast, numbering about twenty-five thousand, are all friendly and peaceable and could be armed with perfect safety, and would fight for the Government against the Sioux.

In the South the wild Indians are the Apaches, numbering from ten to twelve thousand; Kiowas and Comanches, five thousand; Arapahoes and Cheyennes, thirty-five hundred. The Apaches are now mostly gathered on reservations, and are coming gradually under subjection. With these wild tribes in the South as with the Sioux of the North we will have to continue the feeding policy for a few years longer, but they are all, and especially the Kiowas, Comanches, and Cheyennes, improving quite satisfactorily.

These wild Indians of the South are under the care of the Quakers, who seem to have secured their confidence and respect and who have been eminently successful in keeping them at peace and advancing them toward civilization.

The superintendent of the central superintendency, Enoch Hoag, whom I know well and of whom I can testify that he is an honest and devoted man, recently made a report to the executive committee on Indian affairs of the Society of Friends. That letter was dated

February 25, 1874. From it I read the following extract, which shows fully their success with the Kiowas, Comanches, Cheyennes, and Arapahoes; and, sir, the comparison of the policy and its results from 1870 to 1874, as portrayed in that letter, with the policy in 1864-'65 and 1867-'68 toward the same Indians, is all the evidence I want of the wisdom of the peace policy:

In the spring of 1870, with one of your committee, (J. D. Hoag,) I gathered the Cheyennes and Arapahoes in council near Camp Supply, on the western portion of their reserve. This was the first time they had been gathered in council after the war and the first time they had been called together for such purpose without a military guard. At this council the purposes of the Government touching its future dealing with them was fully explained; that while on their reserve in peace the Government had directed the military not to disturb them, but were entirely under our care and protection, but if they should leave the reservation, whether peaceably or for hostile purposes, they would be beyond our jurisdiction and would be liable to be followed by the soldiers. I earnestly entreated them to remain in their own proper homes near the agency and receive the care, aid, and protection of their agent, who had then for the first time in their history made his home with them away from a military post or military protection; that their sick, aged, and infirm would be cared for and due efforts made to promote their comfort and happiness. The tribe, as such, has since remained at peace. A very few murders and some raiding in the four years have been reported, originating with some of their young men under great provocation and without the knowledge or approval of the chiefs. Small bands of Kiowas and Comanches have raided into Texas more or less, but the reports of their raids have been greatly exaggerated and often reported without foundation. During this period raiding has diminished regularly from year to year. For 1873 we have authentic report of but very few murders known to have been committed by Indians of this superintendency in the State of Texas. This falling off of raiding is more marked, however, in the decrease of depredation claims. During the five years preceding 1874 about three hundred such claims passed through the superintendent's office, averaging sixty per year, while of claims for depredations alleged to have been committed in 1873 only ten have been presented.

We have labored continuously to reclaim these few raiders from their bad habits. We have convened them with their tribes in repeated councils, in which we have been joined by delegates from the civilized tribes, with very encouraging results. The chiefs of all the tribes as well as many of the young men separated from these councils with strengthened desires for a better life. Subsequently some of their leading chiefs and principal men have visited the general council at Okmulgee, and carried its civilizing influences to the plains and rehearsed them in their councils. Through the restraining and reclaiming effects of these councils the Kiowas and Comanches have returned to their agent all of the captive children within their camps, seventeen in number, which threatening demands had failed to accomplish. Said captives have been restored to their rejoicing parents, and stolen stock has from time to time been brought in by various chiefs and delivered to the agent so far as found available. Those results have been reached by appeals to their better nature and without the offer of reward, and they stand pledged to return in the future all stock brought into their camps by any of their young men who occasionally plan raiding excursions secretly and in opposition to the known will of the tribes, and it is not infrequently that the leading men, when they have discovered such expeditions, have shot the ponies of the raiders to defeat the same. And these chiefs offer their services to-day, and in the future, to accompany the military into Texas and aid to the extent of their power in arresting trespassers and suppressing these evils. The chief of one of the most noted bands of raiders of the plains (Mowaway) recently came to me and urged that another Comanche take his place as chief, alleging as his reason his desire that none of his people go off the reserve; that he could not restrain some at all times, and he did not want the displeasure of the Government. These pledges of prompt delivery of stolen stock without reward, of their aid as scouts to the military in the future, with the record of full and free return of captives, is sufficient evidence of their loyalty to the Government and of their disposition to remain at peace, and demand reasonable consideration from the Government and its officials.

The number of Indians in this superintendency is estimated at seventy-five thousand souls. Not less than sixty thousand or four-fifths of these Indians have abandoned the hunting life and adopted civilized habits; have mostly located farms and are engaged in common industrial pursuits, and are independent of Government aid. The remaining one-fifth, or fifteen thousand, embracing the Kiowas, Comanches, Cheyennes, Arapahoes, Apaches, and Osages, although peaceable as tribes, still cherish the hunting life, but a large number of them are abandoning their old customs and locating on settled homes. More than two hundred families, or one thousand individuals, of the Osages alone within the last year have selected such homes, and upward of two thousand acres of land have been plowed and fenced, largely by Indian labor for that purpose. Although this change to a settled life is slow, it is nevertheless reaching to the Comanches and Apaches and to some of the Kiowas. Many among their more prominent men are asking our aid to locate them.

Outside of the Cherokee, Creek, Choctaw, and Seminole Nations we have provided facilities and placed in schools more than five hundred Indian children who were entirely destitute of such privileges when we assumed their charge. The advancement of nearly all the tribes in industrial labor, schools, and enterprises leading to civilization has been regular and commendable from year to year. The following tabular statement exhibits their comparative conditions in 1868 and 1872, while for 1873 the advancement has been much more than that of any previous year:

	1868.	1872.
Population.....	16,208	17,957
Number of schools.....	3	13
Number of scholars.....	105	388
Number of teachers.....	6	16
Number of Sabbath-schools.....		11
Amount contributed to schools by any religious society.....		\$3,335
Acres cultivated by Indians.....	3,220	9,454
Wheat raised, in bushels.....	633	3,247
Its value.....	\$1,135	\$3,957
Corn, bushels.....	31,700	209,010
Its value.....	\$34,000	\$106,122
Oats, bushels.....		9,123
Their value.....		\$3,656
Potatoes, bushels.....	1,770	14,501
Their value.....	\$1,770	\$7,293
Other vegetables, value.....		\$7,330
Hay cut, in tons.....	750	5,454
Its value.....	\$3,590	\$30,670
Horses owned, number.....	17,924	42,892
Their value.....	\$702,250	\$1,576,171
Cattle owned, number.....	640	6,557
Their value.....	\$15,200	\$103,009
Swine owned, number.....	1,074	10,702
Their value.....	\$3,238	\$30,077

The Indians of Nebraska and Kansas are all perfectly peaceable, and rapidly becoming self-sustaining. They get nothing now from the Government excepting what they have by treaty. That portion of the Quakers known as the Hicksites have charge of the Nebraska Indians, and they are faithfully and devotedly laboring for their good, and are succeeding admirably.

In New Mexico the Pueblo Indians, numbering some eight thousand, are now so fully peaceful and civilized that they are regarded as competent for citizenship.

The Navajoes of New Mexico, numbering nine thousand, are also peaceable and remain upon their reservation, and are self-supporting with the aid of the annuities due them, by treaty, of \$70,000 annually. After the war with these Indians to which I have referred, they were fed by the Army upon the reservation at an expense of \$75,000 per month, as reported by General Sherman, and he stated at the time that it was cheaper to feed them at that rate than to fight them. They are now getting but \$75,000 a year, and are rapidly improving. They make blankets which are considered of first quality, and they have now ten thousand horses and one hundred and seventy-five thousand sheep.

A force of one hundred and thirty cavalymen was organized among this tribe, consisting mostly of the chiefs and head-men. They are uniformed and act as a police force for the preservation of order and the recovery of stolen stock found upon the reservation. They co-operate with the Government, and prove to be faithful and reliable.

As to the Indians of Washington Territory, Oregon, California, Nevada, Idaho, Utah, Montana, and Colorado, I do not believe that the presence of the Army is necessary, unless it is to protect the Indians against the white men; and in my opinion the Army is kept in those Territories and States more for the reason that the people there want the trade and money that the Army brings than for any other reason, and the fear of Indians is only a pretext.

I am credibly informed that five companies of soldiers have recently been sent to Walla-Walla, in Washington Territory, and I have it from the best authority that there is no more use for them there, so far as Indians are concerned, than there is in this city. I am told that for the purpose of getting the soldiers there an Indian scare was gotten up by white men disguising themselves as Indians and getting some Indians to join them, and riding through the country in hostile style, giving out that there was to be an Indian uprising, and although the troops had been several times refused, the clamor was so great that they were finally sent there, and since then everything has been lovely, and a good market is had for the people of that locality at the expense of the Government. Why, sir, the inspector assigned to that district stated to me the other day that last fall he rode horseback with but one guide, an Indian, all through that country, from Walla-Walla to the Yakama agency and over the mountains north of there, among the Indians, and that he felt no more fear than he would in traveling in the old States; that he found the Indians perfectly peaceable, hundreds of them working as wood-choppers, and that no one thought of any danger from them.

The principal reservation in the vicinity of Walla-Walla is that of Yakama, and as showing the danger to be apprehended from those Indians, I will state that for ten years those Indians have been under the charge of Father Wilbur, a Methodist preacher, who has lived with them all that time with the exception of a year that he was supplanted by a military officer as agent, who came near ruining the Indians in the short time he had charge; and I read as follows from the report of Father Wilbur for 1872:

In recalling the history of the year just closed I find abundant reason for congratulation in the memory of the health, peace, material prosperity, and moral progress of the Indians under my jurisdiction.

They have comfortable tenements, in which are found many of the comforts and some of the luxuries of civilized life. They have horses and cattle, are growing wheat, corn, and vegetables adequate to the use of their families and some surplus for sale. Usually their churches are crowded with sincere and earnest worshippers, who are led in their devotions by the agent or by one of the native preachers.

Our school for the past year has averaged over forty scholars. During the past year one hundred thousand feet of lumber have been sawed in our mill for the use of the Indians; the logs were cut and hauled by them.

And these are the Indians who are so dangerous that the people out there at Walla-Walla must have four companies of soldiers to protect them, at an expense of \$300,000 per year!

Why, sir, the entire appropriation made by this bill for the Indian service in Oregon and Washington, including the expenses of agencies, pay of officers, and incidental expenses, and all annuities paid to the Indians, amounts to \$240,000; so that the cost of those soldiers at Walla-Walla is more than the entire expense of the Indian Department for both Washington and Oregon.

In Washington, Oregon, and California there are two regiments of infantry, numbering eleven hundred soldiers. These two regiments cost the Government at least \$1,000,000 per annum, while the entire expense of the Indian Department for Washington, Oregon, and California, including supplies to Indians and expenses of agencies, is but \$320,000. In this estimate I have put the cost of the military at too low a figure. I have no doubt but the cost of the Army in California, Oregon, and Washington exceeds \$2,500,000 per annum, and this expense is all unnecessary; to continue it is reckless extravagance.

As showing the truth of the statement I have made, that the presence and expense of the Army in that country is unnecessary, I read the following from the evidence of Major Powell, taken before

the Committee on Military Affairs. Major Powell has for about six years past spent his time among the Indians in Oregon, California, Nevada, and Idaho; visited all the bands, was with them in their councils, and understands them perfectly:

The CHAIRMAN. State the disposition of those Indians toward the whites.

Major POWELL. All of those Indians are at present friendly, and are anxious to become farmers; are begging for land and cattle, and are accumulating cattle. The presence of the troops among them is bad.

Q. How many of those Indians are in a state of hostility to the Government?

A. None of them whatever.

Q. Then you have given your opinion that there would be more peace and quiet on the frontier without the troops, or if they were entirely withdrawn.

A. Yes, sir. \* \* \* The money given to the army in this district of country, where the Indians are already subdued, if used in the management of the Indians themselves, would take them out of that country, to gather them all on reservations even in Illinois, and purchase the lands necessary for them, and induce them to come to them.

Q. Can these tribes, with the exception of the Utes, (in Colorado,) be collected upon small reservations with safety?

A. Yes, with safety, and better without the presence of troops than with it.

Q. And can they be induced to go into agricultural pursuits?

A. They have agreed to do so. I met sixty-six tribes last summer. They said that if the Government will give them a title to land, they will go to work. \* \* \* I have set up a great part of the night for twenty-five or thirty nights this summer in Indian councils.

Here, Mr. Chairman, is the testimony of a man who understands the Indians of Oregon, California, Nevada, Utah, and Idaho and Western Arizona, I presume, better than any other white man living, and this is his testimony in relation to the Indians of that section of the country; and his testimony includes all the Indians in California and Oregon east of the Sierra Nevadas, Utah, Nevada, Southwestern Idaho, and Northwestern Arizona. And what Major Powell says of those Indians is true equally of all of Washington, Oregon, and California, and I reiterate the statement that for all the Indians in Washington, Oregon, California, Utah, Nevada, Idaho, and Colorado there is no necessity for any portion of the Army, and no necessity for the annual expense of not less than \$4,000,000 for the army in that country to keep Indians in subjection.

The Indians in nearly all the reservations are looking to agricultural and pastoral life, especially the latter. When the commissioners last year were treating with the Shoshone Indians for the purchase of the south portion of their reservation in Wyoming, in the council the commissioners proposed to give the Indians other land in exchange for what the Government proposed to buy. The Indians said they wanted no more land, but were willing to sell the land. I read the following extract from the report of the commissioners:

WASH-A-KIE. We do not want that land up north, but we will sell this land for cattle.

Mr. BRUNOT. Do you know how much cattle you want for the land?

WASH-A-KIE. We will trade our land for cattle. It would be good to milk the cows and drink the milk. I don't know how many cattle, but I think about a thousand.

Mr. BRUNOT. Suppose we were to make a bargain about the cattle, what would you do with them?

WASH-A-KIE. We would corral them and milk them. We would like to have cattle. The Utes and other Indians have cattle. We are poor and have none.

TO-AS-HAUT. We are poor; we have nothing.

Mr. BRUNOT. Would the white people get the cows from you, or would you take care of them?

DEGONDA. We would take the same care of them we do of our horses. The whites do not beat us out of them.

It was thus the choice of these Indians to have cows instead of money or land, and they sold the Government the land for \$25,000, to be paid in cows in five yearly installments.

The Government also made a treaty with the Ute Indians of Colorado last year for the purchase of four million acres of their reservation. I see by the report of the commissioners that they refused to sell any of their farming lands, and one of the chiefs said:

We will soon need all the farming land on our reservation, as the time is not far distant when the Utes will have to give up hunting and take to farming and stock-raising, as the whites do.

This tribe have already six thousand horses and many cattle and sheep.

A treaty was also made last year with the Crow Indians of Montana for the purchase of a portion of their reservation. They also declined to sell agricultural lands, evidently looking forward to agriculture for their support. And this feeling is beginning to pervade all the Indian tribes. And when they arrive at this state the necessity of an army is obviated and the great expense of it can be avoided?

Why, sir, if the Indians were all in the condition of these semi-civilized tribes I have referred to, our Army expense could be reduced from \$32,000,000 to \$10,000,000. A saving of over \$20,000,000 annually could be made in the expenses of the Army. You may take the testimony of the officers of the Army, taken before the Committee on Military Affairs, and it will be seen that the reason given for the necessity of continuing the Army at anything like its present strength is that the safety of the settlers in the West requires the presence of the Army to control the Indians, and from that testimony it clearly appears that aside from the Indian service there is small use for an army.

I have been considering this question merely as one of economy; merely as involving the expenditure of more or less money; upon the theory that the only duty we have in relation to the Indian is to dispose of him and of all questions concerning him in such manner as to spend the least possible amount of money, and that if we could

exterminate him at an expense of \$100,000,000 and could civilize him at an expense of \$150,000,000, it would be our duty to exterminate him.

But, Mr. Chairman, there is a higher view to be taken of this question than that of a financial character merely. It is our duty as the dominant race—a powerful, civilized, and professedly Christian people—to do what we have the power to do: civilize, educate, and elevate this unfortunate race thus thrown by Providence upon our hands. They are our fellow-men, our brothers, made of that one blood of which was made all the races of men who “dwell upon the face of the earth.” They are unfortunate; we are fortunate. They are weak; we are strong. They are ignorant; we are educated. They are poor; we are rich.

This civilization and elevation of the race cannot be done through the Army. In no respect is the Army a fit instrument to civilize men—just the reverse.

In the language of General Sherman to the mayor of Atlanta, when remonstrated with by the mayor and denounced as a barbarian for driving the people of Atlanta from their homes: “War is barbarism, and you cannot refine it.” In almost every respect war is to be dreaded, and ought always to be avoided if it can be honorably. In the words of Madison:

Of all the evils to public liberty war is perhaps the most to be dreaded, because it comprises and develops the genius of every other evil. War is the parent of armies; from these proceed debt and taxes. And armies and debt and taxes are the known instruments for bringing the many under the dominion of the few.

Every war tends more or less to sink the people toward barbarism; and how assuredly would this be the case with a people who like the Indians have but partially emerged from barbarism. As a consequence, our Indian wars have always left the Indians in a worse condition as to civilization than when they began, and left them also with intensified feelings of hatred and revenge toward the white race, and thus made it more difficult for the influences of civilization to reach them; and this result and effect of wars upon the Indians has been at all times a great hinderance to their civilization. And yet, in spite of the evil tendencies of the wars so frequently waged with the Indians, the civil department of the Government has succeeded in elevating the Indians much more rapidly than could have been expected with all the opposing influences to contend against.

Prior to 1849 the War Department had control of the Indians. Before that time not much had been done to civilize them. They had in the earlier years of the Government so large an extent of country to roam over that they were not brought upon reservations, and it was difficult, if not impossible, to bring them within the influence of schools and of the processes of civilization.

In 1849 the Department of the Interior was established, and the Indian jurisdiction transferred to that Department. From that time until 1869 the Indian agents were appointed from civil life, but not much attention was paid to their qualification for the position as teachers and missionaries. But in 1869 the President adopted and has since pursued the policy of appointing agents with direct reference to civilizing the Indians, with a view to their final elevation in the scale of citizenship, and to aid this end the co-operation of the different religious societies of the country was solicited to act in conjunction with the Government. This aid was extended, and since that time (with the exception of about one year as to some tribes) the agents have been selected by the religious societies having charge, and on their recommendation appointed, and the moral responsibility of the elevation of the Indians at each agency thus rests upon the society having charge, they selecting the teachers, missionaries, and other employees.

The Society of Friends was the first to whom the invitation was extended to give their aid in this work, which was I think in 1869, and the devotion and earnest perseverance with which the people of that society (a people long celebrated for their philanthropy and their sympathy for the poor and oppressed) have prosecuted the work given to their charge is certainly deserving of the highest commendation, and their effort to elevate the downtrodden and outcast Indians is an exemplification of true religion. Other religious societies and churches were afterward invited and entered upon the work, having different fields assigned to them, and all have displayed energy and true devotion, and all are meeting with success.

I apprehend that this responsibility and this work were not accepted by the churches of the country in the light of being so much political patronage parceled out to them by the Government, but as an earnest appeal to the churches of the land to bring to the aid of the Government in this work the power of religion and of the organization of the churches to missionary ends. It was accepted, not as a political work, but as an opportunity to carry out that command of the great Master, “Go ye unto all the world, and preach the gospel to every creature;” and that it was accepted in this spirit, the interest taken in the work and the expenditures made by different denominations of Christians fully show.

It appears by the report of the Commissioner of Indian Affairs that during the year 1873 the religious societies having charge of the different agencies contributed and paid, from their own funds, \$130,000 for education and missionary work among the Indians; and this does not include all that was given, for much was given that was not reported. Thus it will be seen that the churches do not simply lend their moral influence and supply the employees, but they give liberally

of their money, looking upon this in the light of any other missionary work.

Sent out by the churches and societies and laboring faithfully for the elevation of the Indians are many devoted and Christian men and women, who enter upon the work as a duty, and who to enter upon it have left homes of ease and plenty, and who evidently have not consulted their comfort or their pecuniary prosperity in taking it up.

I do not say that all sent out by the churches are of this class of people. I am sorry to believe they are not. I think they ought to be, and hope they will soon be. In times gone by much odium has been thrown upon the Department of Indian Affairs, from the fact that many dishonest men managed, through political influences, to get into the position of Indian agents, not for the purpose of aiding in the civilization of the Indians, but to get rich by swindling the Indians, going on the theory that it was no crime to cheat an Indian, and the people had, to a great extent, lost confidence in the honesty of the Indian service. But the present policy is rapidly working a change for the better in that respect, and I would desire to impress upon those having the selection of agents and employees for the Indian service the importance of the selection of honest and devoted men for the work; otherwise the result will be failure of the policy and injury to the churches.

There must be honesty in the Indian service, or it will be impossible to civilize the Indian; for if frauds and peculations and swindling are practiced by the white men, officials of the Government, the Indians will assuredly find it out, and as a matter of course will lose all confidence in the civilization or Christianity of the white race.

And taking into view the character of officials sent out among Indians in past years, and the character of the majority of white men around them, and the great frauds and villainous wrongs perpetrated upon them by whites, I must say that the Indians would naturally be led to prefer their own civilization to that of the white man.

It is the purpose and the policy of the Government to purify the service; and its efforts, seconded by the philanthropic people of the country, are meeting with success.

The examination of the statistics will show a very gratifying advance, judging by the best tests of progress, toward civilization, to wit, advancement in the industries and in education. I present to the House the following table, showing the census as to schools and industries of the Indians for the years, respectively, 1864, 1872, and 1873:

	1864.	1872.	1873.
Number of schools.....	89	2,643	
Number of scholars.....	261	8,004	9,026
Number of acres farmed by Indians.....	18,989	273,753	297,075
Number of houses for Indians.....	2,397	15,167	17,678
Bushels of wheat raised by Indians.....	44,062	265,965	288,306
Bushels of corn raised by Indians.....	237,462		
Bushels of potatoes raised by Indians.....	130,000	513,000	406,000
Tons of hay cut by Indians.....	3,052	46,670	161,543
Harness and mules owned by Indians.....	14,938	161,330	284,400
Cattle owned by Indians.....	7,449	102,442	449,570
Swine owned by Indians.....	10,709	381,000	828,056
Sheep owned by Indians.....	560	120,049	214,000
Value of animals owned by Indians.....	\$4,865,000	\$7,911,000	\$8,914,000

In addition to the above I give the following statistics for the year 1873, for which I have no figures of former years to compare with:

Number of rods of fence made by Indians during year.....	573,982
Number feet of lumber sawed during year.....	9,139,000
Number of saw and grist mills.....	110
Number of carpenter and blacksmith shops.....	254

These figures, Mr. Chairman, are certainly a satisfactory demonstration of the rapid progress of the Indians under the present policy of the Government. The progress is more rapid than could have been expected with all the discouraging circumstances which have surrounded the work.

A large portion of the Indians are now self-sustaining and the tribes are all progressing in that direction, and without doubt in a few years all will be self-sustaining. Many lose confidence in the civilization of the Indians from the fact that they seem to progress slowly, but it must be borne in mind that the civilization of a barbarous race is necessarily a slow process. Our ancestors were hundreds of years in emerging from barbarism to full civilization, and we must be patient with the Indian race.

It is but a few years since the process of civilizing the Indian really commenced as to those who are yet wild and troublesome. A few years since they were roaming free and wild, retreating as civilization advanced; but not until they had no farther to retreat and were forced to settle and remain upon reservations, were they brought face to face with civilization. And since that time the wildest and worst of them are slowly yielding to its influences, as the frozen earth yields slowly to the genial spring showers and the advancing sun.

I know, sir, there are many who endeavor to throw odium upon this policy of civilization, but it is the true and enlightened policy, the only policy worthy of this great nation, and if persevered in and sustained it will succeed in civilizing the Indian and raising him up to citizenship in much less time than he could be destroyed by the Army, and at a tithe of the expense. Sir, education is a power mightier than the sword; while it works quietly, gradually, and

slowly, yet its influences are deep, far-reaching, and mighty. It marches not with the "pomp and circumstance" of war, and yet its onward march is more irresistible, its victories greater and more lasting in their effects. In its contests with darkness, vice, and barbarism, it does not fill the land with the ruins of towns, with homes destroyed, and fields desolated. It does not entail upon the people burdens of taxation to grind them down in slavery for generations, but it brings prosperity, wealth, happiness, and liberty to all the people. I believe it was Lord Brougham who said:

Let the soldier be abroad if he will, he can do nothing in this age. There is another personage less imposing, in the eyes of some perhaps insignificant. The schoolmaster is abroad; and I trust to him, armed with his primer, against the soldier in full military array.

I hope we shall have no more Indian wars. If we must, I trust that they shall be only such as shall be forced upon us by the Indians and which cannot be avoided by the Government. We should employ school-teachers instead of soldiers, and build school-houses instead of forts. And, sir, I say what I believe the people of the country will respond to, that there is no measure of this or any other administration entitled to a higher meed of praise than the installation of the policy of peace, education, and civilization in the treatment of this unfortunate race.

Mr. Chairman, the peace policy with the Indians is the most economical and is also the only policy worthy of this great and powerful nation. I have no doubt but that the great mass of the people desire that it should be sustained and continued. As I have said already, I think we have reached the maximum of the annual expense, and in a few years can rapidly and permanently reduce the expenditures as the Indians become self-sustaining and slowly and gradually rise in the scale of civilization. No man in this country ever understood the Indian character better than General Sam Houston, of Texas. In a speech in the United States Senate in January, 1855, he used the following words, which I commend to the consideration of those who claim that the Indian cannot be civilized and that the proper course is to exterminate them:

Interest, it is said, governs the world, and it will soon ripen into affection. Inter-course and kindness will win the fiercest animal on earth except the hyena, and its spots and nature cannot be changed. The nature of an Indian can be changed; he changes under adverse circumstances, and rises into the dignity of a civilized being. If you war against him, it takes a generation or two to regenerate his race, but it can be done. I would have fields around the trading-houses; I would encourage the Indian to cultivate them. Let them see how much it adds to their comfort, how it insures to their wives and children abundant subsistence, and then you turn the Indian over to civilization; you charm him and he becomes a civilized man.

Sir, while people are seeking to civilize and christianize men on the banks of the Ganges or the Jordan, or in Brahmapootra, why should not the same philanthropic influence be extended through society, and be exerted in behalf of the Indian? Is not the soul of an American Indian on the prairie worth as much as the soul of a man on the Ganges or in Jerusalem? Surely it is. Then let the American Government step forward; let it plant the standard of regeneration and civilization among the Indians, and it will attract the imitation of the citizens in their philanthropic efforts.

Mr. PARKER, of Missouri. Mr. Speaker, I know that the subject upon which I am about to talk to the committee is one which does not excite that general interest that almost any other question would excite upon this floor. The people whose cause we plead before this honorable House do not make up a great, powerful, and wealthy constituency with a member upon this floor. Their interests are generally looked to by us with an eye simply to the amount of money we can save to the Government. But you, gentlemen, will permit me to remark that I believe that the justice of their cause pleads before us for a calm, deliberate hearing and investigation. And you will permit me further to remark that I believe that there is no Bureau among all the Bureaus connected with this Government that is so important in its character as this Indian Bureau, or one whose duties and responsibilities are as difficult to discharge as this Indian Bureau. You will permit me further, in the commencement of the remarks which I shall make on the bill now before the Committee of the Whole, to say that in my judgment no appropriation bill ever comes before Congress that is so difficult to satisfactorily adjust and pass upon as the bill which is now pending. And I say this, because I believe there is less special knowledge upon the part of the American people and upon the part of Congress on the subject of Indian affairs, of the laws in relation to them, and of the treaties existing between the Government and the different Indian tribes, than on any other subject which comes before Congress for action. It does not follow from this that there is a lack of general intelligence either upon the part of the people or of Congress. Yet we all must remember that our progress as a people has been so rapid, and our affairs as a nation have necessarily so absorbed the attention of our people, that the nation has failed to give that attention to the history, character, and condition of the American Indian that his welfare, and perhaps the welfare of our own people, in many instances deserved.

Although there is much in what has heretofore seemed the fate of the unfortunate Indians to awaken our sympathy, and much to disturb the sobriety of our judgment; much that may be used to extenuate their own atrocities; much which betrays us into an involuntary admiration, yet we have generally looked upon them as a race of people who were passing away. Everywhere, at the approach of the white man, we have beheld them fade and disappear like the withered leaves of autumn before the gale. Two centuries ago the smoke of their wigwags and the fires of their councils rose in every valley

and upon every mountain side, from Hudson's Bay to the farthest Florida, from the ocean to the Mississippi and the lakes; yet to-day one-half the American people can say they have never seen even one of this remarkable race. We have known the Indian only as one of the opposing forces in a mighty conflict between civilization on the one hand and savagism on the other, with ourselves representing the civilization and the Indian the savagism. We perhaps have studied our own side of the case very thoroughly. One thing is certain, we have looked upon the character of the Indian, his claim as to his rights, and his demands for a redress of his grievances from our stand-point, and the presumption is that we have largely presumed always in our own favor; that we have generally resolved every doubt so as to inure to our own interest there can, I think, be no question.

We have usually held that "the earth is the Lord's and the fullness thereof," and we are "His chosen people," and have viewed the Indian as an Ishmaelite, whose fate, like that of the Wandering Jew, was on, on, ever on, before the advancing steps of the white man. A wanderer, houseless and homeless, whose only duty was either to get out of the way of the advancing tide of civilization or be engulfed by it. How often do we hear it from speech, song, and story that the Indian must not stand in the way to impede, hinder, or delay the grand strides we are making toward a complete and perfect civilization of the whole American continent. True enough he should not. But ought we or can we afford to advance our civilization so rapidly as to involve the ruin, yes, even the extermination, of this once powerful race, who were the—

Monarchs of all they surveyed,  
Their rights there were none to dispute;  
From the center all round to the sea  
They were lords of the fowl and the brute!

Civilization should not outrun justice, but should rather go hand in hand with her.

It may be correctly asserted that there is no true civilization, the frame-work of which is not based upon the principles of eternal justice, and the object of which is not to confer the benefits and blessings of civilized life upon all who may be touched by it. The civilization which brings enduring fame is the one which gathers up, cares for, and absorbs the weak, the poor, the oppressed, the ignorant, the untutored, and even, if you please, the savage, and which brings to all these classes the charms of civilized life.

I believe this is the kind of civilization which marks the era in which we live; at least I am certain it is the kind that duty demands we shall propagate. I believe the better spirit of this age recognizes the fact that even the North American Indian, under the influence of proper treatment, will not only accept our civilization, but be improved by it to such an extent that he will soon rejoice in such acceptance.

Three races, the Caucasian, the Ethiopian, and the American, are in the presence of one another on this continent. Will the American race disappear forever from the forests which for thousands of years have sheltered it, and from the valleys and plains, lakes and rivers, which for centuries have given it food? There is no necessity for it. This almost boundless continent is broad enough to afford homes for the children of all these races. The Caucasian and the Ethiopian have become men and brethren, and why should not the same result be produced as to the Caucasian and the Indian. I think simple justice and fair dealing will in a few years convince all of us that the Indian can stand on the same plane with his white and black brother, and say with Paul, that "of one blood all nations of men for to dwell on all the face of the earth." It requires but a cursory glance to satisfy any one that the civilization of the Indian is progressing much more rapidly than even the most sanguine could a few years ago have anticipated.

In truth the harmonization of the races on this continent has been so rapid, and their progress, under all the circumstances, has been so great, that we must all be convinced that the finger of God Himself directs the work.

There is a divinity which shapes our ends.

And this declaration applies to nations as well as individuals.

I believe all men admit that there is an eternal divine justice guiding, governing, and directing the affairs of men and nations; from the decrees of which divine justice neither men nor nations can escape, if they would. The result to both men and nations of a violated law of nature and of nature's God is the payment of a penalty, and sometimes a terrible one, and from the payment of this penalty there is no escape. It may be that this annual Indian appropriation bill is evidence of a part of the penalty we are now paying as the effect of a broken law, a broken promise, and a broken faith, which has often been kept only so long as it was plighted. If this annual appropriation is the only penalty which will rise up to confront us in the future, I shall be content. If we escape thus, it will be well with us.

From time immemorial in this country we have professed a desire to civilize and settle the Indians, but at the same time we have never missed an occasion to purchase at a nominal price their lands, and to get them in many instances by means not so creditable, and thrust them farther back into the wilderness and upon the desert. Thus they have been compelled to lead a wandering life, and sad experience has taught them to look upon us as unjust and indifferent to their fate.

In the past we have tried to civilize the Indian by forcing him away from civilization. He has felt that he was a homeless wanderer with nowhere to lay his head; with no spot he could call his own. The Government by its policy in the past, though perhaps lavish enough in its expenditures upon the subject, has constantly defeated the purpose of such expenditures and its own policy; and the Indians in general, receding farther and farther from the advancing wave of civilization, have heretofore retained their savage habits and barbarous customs. This policy of offering civilization to the Indians with civilization left out has long been felt to be an erroneous one. The great warrior and statesman and just man who is now President of the United States felt, when he first came into office, that it was not only an erroneous policy but a grossly unjust one. Therefore he was led to declare in his inaugural address to the American people "that the proper treatment of the original occupants of this land—the Indians—is one deserving of careful study. I will favor any course toward them which tends to their civilization, christianization, and ultimate citizenship."

These are words which should arrest the attention not only of Congress, but of the whole nation. They are words which do credit to the head and heart of the President. And it now remains for Congress and the nation to discover and practice the policy toward these unfortunate people which will lead to their civilization, christianization, and ultimate citizenship. I suppose all desire this as a result, but there appears to be a wide difference of opinion as to the best method of attaining this much-desired object. Some think it can be done best and most cheaply by turning the whole management of Indian affairs over to the War Department. Others think it cannot be done at all in this way; and still others believe that you must let it remain under the management of a peace establishment, if you would teach the Indians the arts of peace, and by such teaching bring them up to a grade of civilization which will enable them to become laborers and producers by labor, and thus be self-supporting.

I shall endeavor to show in the course of my remarks that the true policy toward the Indian is one of peace; that this policy is not only the most economical, but it is the most just; that this policy cannot be carried out under the management of the War Department; that the transfer of the management of Indian affairs to that Department means perpetual war with the Indian, and that the only peace you can expect as a result is the peace of desolation—the peace which would sit brooding over the once happy homes of these people after their extermination as a race. I think I will be able to show that the Indian can be civilized. But before I take up these propositions, it may not be uninteresting to the House and the country to know something as to the number of the Indians, the extent of their reservations, and what number can be called civilized, what number are semi-civilized, and what number are wild or barbarous. Then I desire also briefly to refer to some of the details of the bill now before us.

I submit herewith a table, which I will incorporate in my remarks, prepared with care by the Commissioner of Indian Affairs, showing the population of Indian tribes residing on reservations, and the area in square miles and acres respectively of the several Indian reservations in the different States and Territories:

Table showing the population of Indian tribes residing on reservations.

States or Territories.	Population.	Area.	
		Sq. miles.	Acres.
Washington.....	14,192	6,460.65	4,124,695.38
Oregon.....	7,730	9,788.00	6,264,320.00
California.....	2,799	111.50	71,363.00
Arizona.....	6,970	8,822.00	5,646,080.00
Nevada.....	6,000	4,025.00	2,576,000.00
Utah.....	4,800	3,186.00	2,039,040.00
New Mexico.....	14,948	7,237.00	4,631,664.00
Colorado.....	5,000	23,100.00	14,784,000.00
Dakota.....	34,867	57,450.00	36,768,000.00
Idaho.....	4,984	5,010.00	3,206,400.00
Montana.....	33,135	52,704.00	33,858,000.00
Wyoming.....	2,000	4,200.00	2,688,000.00
Nebraska.....	6,598	1,402.92	897,871.88
Kansas.....	972	581.04	371,865.39
Indian Territory.....	71,150	68,991.00	44,154,240.00
Minnesota.....	7,803	8,976.92	5,745,233.07
Wisconsin.....	6,045	838.26	600,489.36
Michigan.....	9,164	1,221.00	781,965.00
New York.....	5,070	139.90	89,537.00
Total.....	244,217	264,345.19	159,309,304.08

Now, while this is the most accurate statement the Department has been able to get, it cannot be said that it is any more than approximately correct. Several of these reservations have never been surveyed, and their extent has been arrived at by a geographical knowledge of the country, and by measurement upon the map. Then as to the population it may be remarked that the estimated number of Indians is too large. The Indians themselves always overestimated their number. An Indian has a very exaggerated idea of numbers and of quantity; then he has a powerful motive for overstating his strength. He has always sought to magnify the strength of his race in the estimation of the white man. It has become a chronic habit with him.

Again, he gets more rations by having more people. It may be that interested white men, who live among the Indians sometimes, have motives to suppress the truth if that truth would depreciate the number of the Indians.

The Department has time and again made efforts to get a correct Indian census, but has never been able to get one that would give entire satisfaction as to its correctness. The table I have submitted shows the number of Indians on reservations to be 244,217. This does not include the roving bands of Indians to be found in several of the Territories; these probably number in the neighborhood of fifty thousand; then as a further addition we have the Indians of Alaska, who are estimated to number from fifty thousand to seventy-five thousand.

Now, my own opinion is that this estimate of the total number of Indians is much too large. I believe that the Indians, all told, in the United States to-day do not number over two hundred and fifty thousand. I think my distinguished friend from Indiana, [Mr. SHANKS,] who has given the subject as much attention and who knows as much about Indian affairs as any man in the country, will agree with me. I am also sustained in this opinion by a report recently made by Major Powell, as a special agent of the Department, in which he states that he has but lately visited sixty-six tribes in Utah, Nevada, Arizona, California, and Southern Idaho, and has taken an accurate census of the same, and where it was supposed there were about thirty thousand Indians there are but ten thousand four hundred and thirty-seven. But, fortunately for our Treasury, these Indians have not been sharing very largely of its bounty.

Now, if the same rule of decrease would apply to all the other tribes as that which Major Powell has discovered to be correct, two hundred and fifty thousand is a very large estimate. But I think it would be hardly correct to apply this as a rule to many of the other tribes, for the reason that they are better known to us, and we have had much better opportunities for ascertaining their true population.

There is one thing in this connection which may be noted, and it is this, that since our permanent white settlements at Jamestown, Virginia, in May, 1607, and at Plymouth, Massachusetts, December 16, 1620, there has been a constant decrease of the Indian. Then he numbered about two million five hundred thousand; now he numbers about two hundred and fifty thousand, showing an average diminution, in the past two hundred and fifty intervening years, of about ten thousand per year. The table which I have submitted shows that Indian reservations make up an area of 264,345.19 square miles, and of 159,309,304.08 acres.

The following table, being a comparison of the Indian population, the extent of reservations, and the total area of the Territories, exhibits the fact that in the Territories alone there is a population of 184,962 Indians; that the area of their reservations in those Territories, in acres, is 121,274,999; while the whole extent of these Territories, in acres, is 666,229,319:

Territory.	Population.	Reservation.		Total.
		Indians.	Acres.	
Washington.....	15,487	1,640,480	44,769,160	
New Mexico.....	18,640	3,912,944	77,568,640	
Utah.....	12,800	2,039,040	54,065,043	
Dakota.....	27,185	34,768,000	96,596,128	
Colorado.....	7,300	14,784,000	66,880,000	
Montana.....	18,835	25,113,000	92,016,640	
Arizona.....	5,066	139,000	72,906,240	
Idaho.....	4,469	3,206,400	55,228,160	
Wyoming.....	2,400	2,688,000	62,445,068	
Indian territory.....	71,150	32,984,135	44,154,240	
Total.....	184,962	121,274,999	666,229,319	

It thus appears that the Indian reservations cover one acre out of every five and four-tenths acres in the whole public domain not included in States, and which gives to them an assignment of seven hundred and twenty-nine and one-third acres *per capita*.

It must be apparent to every one that this amount of land is much too great for any practical benefit the same may be to the Indians. It is now the policy of the Government to persuade the Indians to accept smaller reservations, and pay them for that which they do not actually need; the proceeds of the sales of their unrequired lands to be devoted to their support, education, and civilization.

As to the civilization of these Indians, it may be said with a reasonable degree of assurance, according to a standard taken with reference to what might fairly be expected of a race with such antecedents and traditions, that about ninety-seven thousand are civilized, that about one hundred and twenty-five thousand are semi-civilized, and seventy-eight thousand are wholly barbarous. About one hundred and thirty thousand of the Indians support themselves upon their own reservations, receiving nothing from the Government except the interest on their own moneys or annuities granted them in consideration of the cession of their lands to the United States. There are about thirty-one thousand entirely subsisted by the Government, and eighty-four thousand in part subsisted. Those who subsist by hunting and fishing, upon roots, nuts, berries, grasshoppers, &c., or by begging and stealing, number about fifty thousand. There are

about one hundred and fifty thousand Indians who remain constantly on their reservations, and are under the complete control of agents appointed by the Government; about ninety-five thousand who occasionally visit their agencies either for food or talk, or for both, but are generally roaming either on or off their reservations, or engaged in hunting or fishing. There are about fifty thousand who never visit any agency, and over whom the Government as yet exercises but little control except to keep them quiet. The most of these, however, are peaceable and inoffensive, and commit but few acts of hostility against the whites.

Of the whole number of Indians about one hundred and eighty thousand have treaties with the Government; forty thousand have no treaties with the United States, but reservations are set apart by Executive order or otherwise for their occupancy, and they are in charge of agents appointed by the Government; twenty-five thousand have no reservations, but are more or less under the control of agents appointed for them, and have more or less assistance from the Government; about fifty thousand have no treaty or other agreement with the Government.

I now desire to briefly call the attention of the committee to the details of the bill now before us.

The Committee on Appropriations, in preparing this bill, have been prompted by the same desire that has governed them in making up all other bills, to wit, to pursue the most rigid economy compatible with the good of the service. They have sought to avoid doing anything that might tend to disturb the peace between the whites on the border and the Indians, or anything that might work unjustly toward the Indians. They have no desire to in any way cripple the present policy adopted toward the Indians; but they do think that policy can be carried out for the next fiscal year upon the amount of money proposed to be appropriated by the bill now before us.

There was estimated for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various tribes for the next fiscal year the sum of \$6,765,799.61. This bill proposes to appropriate the sum of \$4,969,488.43, making a difference between the amount estimated and the amount to be appropriated by this bill of \$1,800,291.18. There was appropriated by the annual appropriation bill for the present fiscal year the sum of \$5,581,920.70. The difference between what was then appropriated and what is proposed to be appropriated by this bill is \$546,442.27. The committee have not provided for any appropriation for the pay of superintendents except the one in the central superintendency, believing that all the others can be dispensed with.

The bill proposes to dispense with quite a number of Indian agents, and particularly those of the most civilized tribes in the Indian Territory. It reduces the pay of the interpreters from \$500 to \$400.

We have sought to curtail contingent expenses all that it seemed possible to do. It must not be forgotten that there is a very large amount of money named in this bill upon which there can be no reduction, unless by a violation of solemn treaties made with the different tribes. It may be correctly said that something over two millions of the amount named in this bill is appropriated because solemn treaties have provided that it shall be so annually appropriated.

The increase of our appropriations for the Indian Department is frequently a source of surprise, and sometimes of amazement. It becomes important, in this connection, that we should inquire the reason of this fact, if it exists as a fact. That such is the case cannot be denied. If there is no good reason for this large increase we should at once cut it off. But I think the reason is apparent when we look to the history of this matter for the last ten years; there is a very large difference between the amount appropriated for the year 1865 and the amount appropriated for the year 1874.

Now, what is the reason of this difference? In the years 1867 and 1868 General Sherman and others made treaties with the following tribes of Indians: The different bands of Sioux; the different bands of Utes; the Kiowas and Comanches; the Cheyennes and Arapahoes; the Mountain and River Crows; the Northern Cheyennes and Arapahoes; the Navajoes; the Blackfeet; the Shoshones and Bannacks, and the Shoshones, Bannacks, and Sheep-Eaters; by the terms of which several treaties certain amounts therein named were to be given to the Indians for such purposes as the treaties specified. Now, under these treaties how much did Congress appropriate for these several tribes for the present fiscal year? Why, the sum of \$3,427,574. How much was appropriated for these several tribes before the making of these treaties—say in the year 1865? Only the sum of \$297,000; there being a difference in the amount paid these tribes before and since the making of these treaties of \$3,130,574.

This showing I have made will, I think, fully explain the reason for the increase of our expenditures in the Indian Department.

Now very many may and do question the good policy of thus increasing the expenses of this department, but in order to do so they must also question the propriety of making these several treaties. It is too late now to shake off the responsibility of the payment of this amount of money, unless you are prepared to break in pieces the treaties made by Generals Sherman, Harney, Terry, Angur, and others. Before taking this step it would be well to consider that at the time of, and for a long time prior to, the making of these treaties many of the tribes with whom the treaties were made were at war with the whites upon the border; that a state of complete insecurity to the lives and property of the white settlers existed wherever any of these tribes were

to be found; that since the making of these treaties comparative peace has been maintained with these several tribes. Then, as measures of safety and security, the treaties of 1867 and 1868 should be maintained.

It can easily be shown that from an economical view of the question it is better to maintain them, as it is capable of the clearest demonstration that it costs less to feed these Indians than to fight them, and that one or the other must be done by the Government I think no one can doubt. It is to be hoped, however, that this state of affairs will not last always. Indeed I think it will not, as the most of these Indians are much tamer and much nearer civilization now than when these treaties were made with them. The fact that they have kept the peace for six years is evidence of this. The time had come, when these treaties were made, for a change in the policy of the Government toward these wild Indians.

The policy of removal had been the one in vogue with the Government toward nearly all the Indians in the country. And I may be permitted to say in this connection that this record of Indian removals is one of the most revolting character; one which will not bear the test of an application of either reason or justice. From the Eastern to the Middle States; from there to Illinois, Wisconsin, Michigan, and Minnesota; thence to Missouri and Iowa; thence to Kansas, Nebraska, Dakota, and the mountains; and if the policy had not been changed in 1867 and 1868, whither now these people would have been forced to go no one can tell. The effect of the old policy was to clear the pathway for the pioneering white man, but this was done by the extermination of the Indian, and if not by the extermination, at least by the perpetuation of his native barbarism.

But the very condition of things forced a change of policy. The mighty current of progress had driven him back and still farther back from his home and the graves of his ancestors in the East, until there was no longer any place toward the setting sun to which the Indian could be removed. Colorado, Utah, Idaho, Montana, Nevada, Washington, Oregon, and California had all become necessary for the abode of the white man. Therefore as we could no longer force the Indian back from our line of civilization, we must leave him in his old home or exterminate him.

Against the policy of extermination, although we had seen it go on for many years, the civilization of the age revolted and Christianity stood aghast; besides, this policy of extermination must be practiced at a cost of many lives of our people and at an expense of many millions of dollars to our Treasury. The Indian was surrounded on all sides. He saw the approaching footsteps of civilization. He again saw the white man upon his heels. He knew he was already beyond him, and in wild despair he said "there was but one remove farther, and that was to the general burial-ground of the race." He saw the land of his fathers again fading from his view. He was preparing to bid adieu to the graves of his kindred, and to take a last look at his soon to be deserted villages, but before doing so, and taking up his mournful line of march to a home which was nowhere, he felt called upon to once again invoke the god of battles in defense of his wife and little ones, his home and hunting-grounds. When the treaties of 1867 and 1868 were made, many of the wild tribes with whom the commission treated were and had been upon the war-path. They appeared determined to wage war upon the whites who had sought homes in the country which they thought ought to remain their hunting-grounds.

I am satisfied that no one can doubt the good policy of making these treaties, when we compare the attitude of these different tribes toward the Government now with the one maintained by them before and at the time the treaties were entered into. No one, if he but looks into the question, can fail to be convinced of the great good resulting from the treaties. It is true it costs us a large amount of money; but, I repeat, does it cost us as much as to fight them?

There is really no way left these wild Indians to get a living unless they get it from the Government. The day of the chase is about over. He must for the present either be assisted by the Government or left to perish from starvation. And from his well-known character, and from his past history, with which we are familiar, we can readily infer that he will not, after being driven to desperation by want and starvation, tamely submit to his fate, but will rather strike a blow for life that will cost us many of the lives of our gallant and hardy pioneers. And a war of this kind in the future, as in the past, will be a heavy drain upon our Treasury. There seems to be no plan left for us but the one marked out by the policy which dictated these treaties.

You may persuade these wild men of the West that it is good policy for them to accept smaller reservations, but you never can convince them that they ought to go farther to the west, because they know there is nowhere for them to go. And you cannot drive these people any longer. Your moral sense forbids it. If you try to do this, I bid you pause and remember that if our lands are taken, we believe that civilization justifies us in resisting the invader. Yea, it does more than this; it brands us as cowards and recreants if we submit to the wrong.

Civilization has made its contract with these people and has guaranteed the rights of the weaker party. Now, will we stand by the guarantee, or will we still continue to satisfy the covetous longings of a sordid avarice and, as we have done in the past, demand of him his home. And if he looks upon the land around him with a sadder heart and says, "This is as dear to me as is the home of his childhood

to the civilized man; I, too, love these plains and mountains, rivers and lakes, and now to be forced to leave them will break those tender chords of the heart which vibrate to the softer sensibilities of human nature, and dry up the fountains of benevolence and kindly feeling, without which there can be no acceptance by me of your civilization," and he refuses to go and resists, is civilization again to confront him with the gospel of peace in the shape of the Ten Commandments in one hand, and the sword in the other, and demand his extermination? I trust that no such policy as this will ever again disgrace the annals of this nation, but that we will rather make an effort always in the future to atone for the wrongs which we have inflicted upon this people in the past.

But you ask, how can this be done? I answer, it is easy enough. But apply the principles of justice, and do unto him as you would have him do unto you, and the fruit of your action will be the civilization of this despised and persecuted race.

The Indian has many noble qualities. He is courageous. At times he appears to be insensible of fear. He shrinks from no danger, and he fears no hardships. If he has the vices of savage life, he has the virtues also. He is true to his country, his friends, and his home. We call this patriotism, and by it we are inspired to place everything, even life itself, as an offering upon its altar. If he forgives no injury, neither does he forget kindness. If his vengeance is terrible, his fidelity and generosity are unconquerable also.

That he has been cruel and revengeful, I admit. But has he not been treated as an outlaw, and has not his companion been the wild beast? Has he not been driven from the home he loved? Has he not often been tortured and killed? Have not the last of many tribes been compelled to mournfully exclaim, "There runs not a drop of my blood in the veins of any living creature?"

Let civilized man be his companion, and the association will warm into life virtues of the very highest worth. He will stand forth a new man, with new hopes, new desires, and a new life before him. And the result will be that he will accept our civilization and become a tiller of the soil. In the sweat of his face will he soon learn to eat bread.

The duty of the Government is twofold: First, to protect the white settler; and secondly, to do justice to the Indian, and by doing justice, to civilize him. And as you cannot drive him farther to the West, these duties must be performed with the Indians remaining on their reservations, and those reservations surrounded by white settlements.

But it is declared in Congress and out of Congress that you cannot civilize him. I answer, you can. Other nations have wrought upon this people a civilization which has at least drawn them from their heathen idolatry, and let in upon their minds the broad sunlight of a liberal Christianity. I allude now to the Spanish government and its management of Indian matters. When Cortez and Pizarro first landed upon the shores of Peru and Mexico they came with the lust of gold in their hearts, caring nothing for the people to whom the country belonged; they governed them by the sword; they practiced upon those unoffending natives the most terrible cruelties. This continued as long as the fabulous stories of the unheard-of richness of the country attracted thither the flower of the Spanish chivalry. It is said by some historians that the bloody Spaniard, by oppression, cruelty, and the sword, put to death six millions of these people. There came a time when there was to be a change.

The necessities of the home government caused an appeal to be made for the return of the scions of the best families in Spain, who had come to the New World in search of renown and of gold. Then it was that the Indians were strong enough to assert their claims to better treatment at the hands of their ruthless and bloody conquerors. It was from necessity granted them. The man of God came and extended to them the cross instead of the sword.

From that day to this the Indian has been the ruling race in Mexico and Peru, and under the influence of a peace policy it has made rapid progress; and I am not so certain that it is now incapable of imparting to its once cruel and oppressive Spanish masters lessons of benevolence, charity, mercy, and kindness. As the fruit of this peace policy toward Indians, we have to-day in New Mexico the Pueblos, one of the most civilized and industrious tribe of Indians on this continent.

Then, again, let me call your attention to the course of England toward these people and toward all people conquered by her. That conquest has been her mission none can deny.

It was Daniel Webster, I believe, who said—

That to her, for the purpose of conquest and subjugation, Rome in the height of her glory is not to be compared; a power which has dotted over the surface of the globe with her possessions and military posts, whose morning drum-beat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England.

Bloody, unrelenting, and cruel toward the people she has overcome with the sword she has been, all must admit. But she has been compelled to put up this symbol of death and practice the arts of peace toward the Indian in India and toward his relative on our own continent, and the consequence is that they are rapidly becoming a civilized and Christian people.

But why refer to the history of other nations. Have we not civilized some of these people? And what we have done with some of them can be done with all. It so happens that, under the silent and apparently slow operation of efficient causes, certain tribes of our Indians have already emerged from a state of pagan barbarism, and

are to-day clothed in the garments of civilization, and sitting under the vine and fig-tree of an intelligent Christianity, blessing the day wherein the white man commenced to deal justly by them.

Within the present century their blanketed forefathers struggled in deadly conflict with our pioneer ancestors in the lovely valleys of Georgia, Alabama, and Mississippi; among the gorges and along the banks of the beautiful streams of Western North Carolina and East Tennessee, and in the everglades of Florida; and made classic the fields of Talladega, Emucfaun, and the Horseshoe Bend. Within the memory of many men their tomahawks reflected the light of the burning cabins of white settlers on the Nolachukey and French Broad, the Hiawasee and the Tennessee Rivers, and their tributaries; their scalping-knives dripped with the blood of our border settlers, and their defiant battle-yells woke the echoes among the green savannas and tangled forests of the South.

How grand the contrast which greets the world to-day! The blanket and the bow have been discarded; the spear has become a pruning-hook, and the hatchet a hoe; the dance of death has ceased, and the war-club lies buried. In place of the skin-lodge and the primitive *tepee*, you behold the cottage and the mansion; the buckskin robe, the paint and beads have vanished, and in their stead are to be seen the tasteful fabrics of civilization. Medicine-lodges and their orgies and heathen offerings are mingled with the dust of a forgotten idolatry. They are replaced by the school-house and the church, and the feet of many hundred little Indian children, who are intelligent and thirsting after knowledge, are seen every day entering these houses, where they can learn the mighty truths of science; while churches dedicated to God, and vocal with His praise from the lips of redeemed thousands, reflect upon their domes and spires the earliest rays and latest beams of that sun whose daily light greets them as civilized, enlightened, and christianized who were but so recently heathen savages.

Need I say that I refer to the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles? They are to-day a civilized, Christian people. There may be portions of them who still carry with them the old habits of paganism and superstition, but you will find their average intelligence almost up to the standard of like communities of whites. We need not confine our attention to the tribes I have named if we wish to find men and women who are even now on the high road to civilization, but we can look to what remains of the once powerful, warlike, and bloody Six Nations, to be found in the State of New York. They, too, have broken in pieces their war-god, and have erected instead thereof the altar of peace, civilization, and Christianity.

Then, again, we behold the Miamies in Indiana, the Chippewas in Michigan and Wisconsin, the Flatheads in Montana, the Crows, the Bannacks and Shoshones, the Santee Sioux in Nebraska, the Winnebagoes, Omahas, Pawnees, Saes and Foxes, and the Ottobes, the Kickapooes, and Pottawatomies in Kansas, and the Pueblos and recently warlike Navajoes in New Mexico, and many other tribes I might name who are to-day making as rapid progress toward civilization as could be expected. But I have named enough for the purpose in view, to wit, to show that Indians can be civilized. I grant you that the civilization of the Indian has hitherto been slow. We should not fail, however, to remember that it has taken twelve centuries to bring us to our present grade.

Twelve hundred years ago our ancestors were barbarians, and all through that long lapse of time we have been engaged in attaining our present position, and I am not so sure but there is room for improvement yet. The Indian has not been brought in contact with civilization. The better class of white men and women living on the borders of his reservation have shunned him. You have placed him on reservations and built a wall around him in the shape of your intercourse laws, and no white man could scale that wall. He has in many cases copied our vices, but failed to imitate our virtues because, as a rule, none but the refuse of our population who could and would evade the intercourse laws and get among the Indians by stealth have mingled among them. The brave, hardy, and patriotic frontiersman has not cared very much to cultivate the friendship of his Indian neighbor. But beyond the tide of emigration, and hanging like the froth of the billows upon its very edge, is generally a host of law-defying white men—many of whom are refugees from justice—who introduce among the Indians every form of demoralization and disease with which depraved humanity in its most degrading forms is ever afflicted. Just as the better class of whites have appeared so near the Indian that their influence might be felt for good upon him, he has been required to move again.

It is not surprising that the philosophic chief of the Arapahoes, Little Raven, laughed heartily in the face of Mr. Commissioner Taylor when he told him something of hell and heaven. Mr. Taylor remarked that "all good men, white and red, would go to heaven, and all bad ones to hell." He inquired of the chief the cause of his laughter. When the chief recovered his breath, he said: "I was much pleased with what you say of heaven and hell, and the characters that would go to each after death; it is a good notion, heap good; and if all the whites are like the ones I know, when Indian go to heaven but few whites will trouble him there; pretty much all go to the other place." I think the fact stands out clear, indisputable, and well-defined that Indians, not only as individuals but as tribes, are capable of civilization, and that when such civilization takes place it makes the Indian a better man, prepared to become ultimately a citizen of this great

Government, and it settles forever the vexed question as to what shall be done with the Indian.

Now, if like causes under similar circumstances always produce like effects, it follows that the application of the same causes that have produced civilization in some tribes will bring about like results in other tribes under the same circumstances. What causes operated to bring about the civilization of the Cherokees? The Cherokees lived on the borders of the white settlements for a long time, with a boundless wilderness behind them, to which they retired after each successive advance by the whites, until finally they reached the mountain regions of North Carolina, South Carolina, Georgia, Alabama, and what is now called East Tennessee. Here they remained for many years, until the enterprise of the whites surrounded their possessions on all sides and began to press heavily upon their borders.

They had up to this time made small progress in civilization. They still depended upon the chase, and still clung to the habits and customs of their savage ancestors. Little change took place until they abandoned the hunt, and until the presence of emigration on all sides compelled them to reduce the area of their territory, and until the disappearance of game compelled them to resort to a pastoral and agricultural life to save themselves from starvation. Agriculture and stock-breeding brought with them the important idea of individual rights, of personal property, and the notion of fixed local habitations. When this state of affairs was produced, civilization followed as a matter of course. And this is precisely what is now going on with nearly all the other tribes under our control to-day. If it produced such beneficial results as to the Cherokees and other civilized tribes, is it not reasonable to presume that like happy results will ensue as to the other tribes?

I think it requires but little reflection to convince any one that the true solution of the vexed Indian question lies in the civilization of these people. If this be the best policy, leaving out of consideration the question of Christian duty on our part, then we should at once adopt the best means to produce this desired result. Can this work be done best and most economically by turning the management of Indian affairs over to the War Department? If so, all should at once favor the transfer of this business to that Department. In my judgment, before you can determine this question you must determine what you are going to do with the Indians.

If you intend to have peace with him and civilize him, he should be under the management of the civil department of the Government. If you intend to have war with him, and consequently exterminate him, you had better transfer the management of his affairs to the Department of the Government the business of which is war. Now, I know that some gentlemen believe that in this business "the winter of our discontent" is to be "made glorious summer" by their crying havoc and letting "slip the dogs of war" on those people. I believe otherwise. And for this belief I have the very highest military authority.

It will be remembered that in the year 1867 President Johnson appointed a commission in pursuance of an act of Congress approved July 20, 1867. The commission was authorized by the said act to visit such tribes as were then waging war, and to call together their chiefs and head-men for the purpose of ascertaining their reasons for hostility; and, if thought advisable, to make treaties with them, having in view the following objects, namely:

First, to remove, if possible the causes of war; secondly, to secure as far as possible our frontier settlements, and the safe building of our railroads to the Pacific; and thirdly, to suggest or inaugurate some plan for the civilization of the Indians.

Now, who were upon that commission? Four civilians and four military officers high in rank. Who were these military men? Lieutenant-General W. T. Sherman, Major-General William S. Harney, Major-General Alfred H. Terry, and Major-General C. C. Angur.

Of course these gentlemen went on this duty in the capacity of civilians; but the presumption is they certainly had no prejudice against the military arm of the Government. On the 7th of January, 1868, they submitted a report to the President; and in order to show the opinions of General Sherman and his associates on the commission at that time, I will ask the Clerk to read but one paragraph of that report.

The Clerk read as follows:

This brings us to consider the much-mooted question whether the Bureau should belong to the civil or military department of the Government. To determine this properly we must first know what is to be the future treatment of the Indians. If we intend to have war with them, the Bureau should go to the Secretary of War. If we intend to have peace, it should be in the civil department. In our judgment, such wars are wholly unnecessary, and hoping that the Government and the country will agree with us, we cannot now advise the change. It is possible, however, that, despite our efforts to maintain peace, war may be forced on us by some tribe or tribes of Indians. In the event of such occurrence it may be well to provide, in the revision of the intercourse laws or elsewhere, at what time the civil jurisdiction shall cease and the military jurisdiction begin. If thought advisable, also, Congress may authorize the President to turn over to the military the exclusive control of such tribes as may be continually hostile or unmanageable. Under the plan which we have suggested the chief duties of the Bureau will be to educate and instruct in the peaceful arts—in other words, to civilize the Indians. The military arm of the Government is not the most admirably adapted to discharge duties of this character. We have the highest possible appreciation of the officers of the Army, and fully recognize their proverbial integrity and honor; but we are satisfied that not one in a thousand would like to teach Indian children to read and write, or Indian men to sow and reap. These are emphatically civil, and not military, occupations. But it is insisted that the present Indian service is corrupt, and this change should be made to get rid of the dishonest. That there are many

bad men connected with the service cannot be denied. The records are abundant to show that agents have pocketed the funds appropriated by the Government and driven the Indians to starvation. It cannot be doubted that Indian wars have originated from this cause. The Sioux war, in Minnesota, is supposed to have been produced in this way.

Mr. PARKER, of Missouri. This is just as good authority as I desire on this subject. This was written and proclaimed by these eminent military men after they had gone over the whole field and had looked at the subject from every side. I am aware of nothing that has occurred since this report was made to change the opinion of any one on this question. Again, Major Powell, who is as familiar with the Indian tribes as almost any other man, has given his opinion on this question, and I deem it of the greatest value, from its pertinency to the question, and from the fact of its being the opinion of a gentleman of the largest experience. It will be remembered that he was before the Military Committee of this House during the present session, and I will ask the Clerk to read a part of his testimony bearing on this point.

The Clerk read as follows:

Mr. ALBRIGHT. Are the Indians entirely secure, if the troops are withdrawn, from the encroachments of the frontiersmen who come into the country?

Major POWELL. I think they could be made secure by other means better than with military power. The original policy was to remove the Indians from the east to the western country, and the wild tribes were thus re-enforced by the addition of half-civilized Indians from time to time; but now there is no more unexplored and unoccupied country to which the Indians can be driven. It is necessary to pursue a policy toward the Indians adapted to this changed condition of affairs. When there was a great unknown district just beyond the frontier where lines of settlements were growing up, it seemed necessary to protect this frontier by troops, who were minute-men, to go out and defend the settlers from sudden attacks or surprises. This state of affairs no longer exists, and we should no longer deal with the Indians as if they were distinct nations or had independent governments, but we should deal with them as individuals, and when an individual Indian or a number of them are guilty of crimes some means should be provided by which the guilty parties could be brought to justice, rather than to continue the present method of punishing tribes or the Indians at large for the offenses of such individuals. What is now needed for the Indians under consideration is not some means for wholesale punishment, but some means to secure justice between Indian and Indian, and between white man and Indian. As at present managed it is something like this: A hungry Indian steals a beef, or a tired Indian steals a horse; white men set out in search of the thief and kill the first Indian they meet; the Indians then retaliate, and the news flashes through the country that there is an Indian war on hand; troops are sent to the country, and a trivial offense costs the Government the expense of an Indian war. In the sequel no justice is secured, the proper Indians are not punished, and usually in such a case the white men of the frontier are greater sufferers than the Indians, as these last have no great amount of property to lose, and their knowledge of the wilderness and their customs of stealthy warfare are such that it is impossible to punish them severely, except by means which are repugnant to civilized minds.

I am decidedly of the opinion that the military method of dealing with the Indian offenders is altogether bad, failing to secure justice between Indians and whites, and between Indians and Indians, entailing upon the white men of the frontier much loss of property, some loss of life, and keeping up a state of constant terrorism among them, and that altogether it is exceedingly expensive.

The Indians themselves fully appreciate this method of wholesale and indiscriminate punishment, and think it strange that we should hold all the Indians responsible, or, at least, whole tribes responsible, for the bad deeds of a few, and are always ready to cite scores of examples of such treatment received by them from the whites in justification of their own offenses which are similar.

Some system should be devised by which the guilty parties themselves could be brought to justice, and by which the Indians could be made to assist in the execution of justice, as in capturing and delivering over criminals.

Mr. PARKER, of Missouri. I might rest here, upon this evidence, with the assurance that every reasonable mind is already convinced that the mailed hand of military power is not the one to guide the Indian along the pathway of civilization.

But we are not left to the positive opinions of learned, practical, and eminent men, for we have the light of past experience to guide us in forming a correct judgment. For seventeen years the management of Indian affairs was under the control of the War Department.

In 1849 it was by an act of Congress transferred to the Interior Department. The management of Indian affairs for this seventeen years that it was under the control of the War Department was, in my judgment, a most lamentable failure, as far as any civilization of the Indians was concerned, or as far as there was any saving to the Treasury. Military power may keep the peace for the time being, and the peace policy contemplates it shall be used toward the Indians for this purpose as well as toward the whites, just as we rely upon the sheriff with his *posse comitatus* in the counties, or the police in our cities. But this power alone can never civilize. It never has civilized. It may overcome brute force and bloody opposition, and prepare the way for civilization, just as the plowshare prepares the ground which is cumbered with rank and noxious weeds for the seed of the husbandman. But after its work is done another agency than this must carry on the grand work of civilization.

While this arm of the Government controlled this business you had constant Indian wars. The savage war-whoop was heard all along our western border. Almost all the uncivilized tribes were at war during this period. Was the peace any better kept during this time than it has been since? I answer no; not half so well.

Now, I do not wish to be understood as speaking disparagingly of our gallant Army. I yield to no one in admiration for our patriotic soldiers and brave officers. They are our pillar of cloud by day and wall of fire by night, thrown around the nation in times of great public danger; they are our hope when the honor, integrity, and very existence of our nation are endangered by either a foreign or domestic foe.

But I submit there is no greater cruelty you can inflict upon our

Army than to compel it to live out among the Indians and take upon itself the work of teaching these Indians the arts of peace. There is no field there for the achievement of the great military deeds which are the pride of the true soldier. Both soldier and officer, as a rule, despise this kind of work.

The history of the past shows that military management has been prolific of wars with these red men, and they can to-day truly say:

That they died not by hunger or lingering decay,  
The steel of the white man hath swept them away.

Is this state of war desirable as an economic policy. If we look to the Treasury alone, and do not consider it our duty toward these people to make an effort to improve them and make better men and women of them, I submit we cannot favor a military management of their affairs. If a chronic Indian war with an annual increased expenditure of from \$50,000,000 to \$100,000,000 in consequence thereof is desired, it seems to me the transfer should be favored.

We have had some fruits, in the shape of Indian wars in the past, as the result of military management; and perhaps it may be well for us to go back a little and see what they have cost us, and in many cases what has been their origin. One fact will be found on investigation, and it is this, that while Indian affairs were under the control of the military establishment more than half the time was spent in costly, unprofitable, and fruitless as well as unjust wars against the Seminoles and the Sacs and Foxes, and in troubles of the most vexatious and expensive character with the Creeks and Cherokees. And nearly all the wars we have had since the Interior Department took the management of Indian affairs have had their origin in the hasty and ill-considered action of the military stationed in the Indian country.

I have not time to refer to all of the wars we have had with these people, but will confine myself to those with which we are all familiar.

It is in the memory of almost every member of this House that we had a war with the Seminoles; that for seven long years we fought about seven hundred warriors of this tribe with our regular Army and a large volunteer force, losing about fifteen hundred lives and spending \$50,000,000, and at the close of said war the Indians were further from civilization than when the war commenced.

I now desire to briefly call your attention to the war with the Sioux in 1852-54, which originated in this wise: An emigrant Mormon train abandoned a cow. A lieutenant and squad went to the camp and demanded of the Indians, who had found and eaten her, the man who had killed her. The Indians refused to surrender the man, but offered to pay for the cow. The lieutenant and his squad fired upon them, killing and wounding a number, when they were surrounded and massacred. The great Sioux war ensued, costing us \$30,000,000 and several hundred lives, besides a large amount of property.

Then, again, in 1864, we had a war with the Cheyennes. And how did it originate? Why, a ranchman by the name of Ripley went to Camp Sanborn, on the South Platte, and charged the Indians with stealing his stock. A Lieutenant Dunn proceeded with a squad of men to search for it, but did not succeed in finding it. Falling in with a company of Cheyennes, an attempt was made to disarm them, and in the difficulty one soldier was killed and some others wounded. Then followed the Cheyenne war, culminating in the massacre at Sand Creek, where one hundred and twenty Indians, mostly women and children, were brutally murdered in cold blood while resting on their own hunting-grounds under the protection of our flag. This war cost our Treasury not less than \$40,000,000, for it will be remembered that it involved not only the Cheyennes, but the Apaches, the Arapahoes, Kiowas, and Comanches, and also many bands of the Sioux, and was only ended by the treaty of peace in 1865 at the mouth of the Little Arkansas.

In 1866 the military took possession of the Powder River country, in Dakota, within the acknowledged territory of the Sioux, and planted military posts Phil Kearny, Reno, and C. F. Smith, without the consent of the Indian proprietors and in direct violation of treaty stipulations. A terrible and bloody war ensued, costing us \$10,000,000, many hundred lives, including the gallant Fetterman and his devoted band, and much valuable property.

In April, 1867, a military command burned the peaceful village of the Cheyennes on the Pawnee Fork in Western Kansas, who had been at peace with us since the treaty of 1865, and they were then on lands assigned them by the treaty. The Cheyennes flew to arms and the war of 1867 followed, in which we lost over three hundred soldiers and citizens, and \$3,000,000 were taken from the Treasury, a large amount of public and private property was destroyed, and we killed six Indians and no more.

The pretext for our war with the Navajoes was the shooting of a colored servant boy of a military officer by an Indian, and the refusal of the Indians to surrender the criminal. They did propose, however, after their custom, to pay a pecuniary consideration as satisfaction to the officer. That war cost the Treasury \$6,000,000.

Now, I might detain the House much longer by a recital of the many conflicts we have had with the Indian tribes, their origin, and their cost. But I think I have referred to enough to satisfy it and the country that you cannot civilize Indians under the management of the military, nor can you save money for the Government. And if Indian extermination be your policy, you can scarcely do that, at least not very rapidly; for we have been in the business through the agency

of the military power of this Government for about two hundred and fifty years, and have not quite succeeded in completing the work of carnage and death necessary to their complete annihilation. And what we have done by means of the military arm has cost this country since its first settlement over \$600,000,000. And if the cost of killing each Indian in our late wars is a fair average of what this process of getting rid of him is to cost in the future, you will have to pay \$1,000,000 for each Indian you exterminate.

But suppose I were to admit they ought to be exterminated without mercy, and that we might achieve the grand consummation, do you not think that it would be purchasing glory at a fearful cost? The fact is you never can civilize the Indians by military management. When an Indian commits a crime or an outrage, the military strike the whole tribe for the offense perhaps of one man. This begets a spirit of resentment and resistance on the part of the whole tribe, and perhaps many tribes, just as it would do with us, and the consequence is a war.

You plant your military camps among them, and your soldiers soon violate even the sternest ideas of Indian domestic morals. Female chastity yields to either trickery or fear; marital rights are generally disregarded, and shameless concubinage spreads its pestiferous stench through camp and lodge until the whole tribe becomes what Dante characterized Italy, "A grand house of ill-fame." The most loathsome, lingering, and fatal diseases which reach many generations in their ruinous effects are spread broadcast, and the seeds of moral and physical death are planted among the miserable and wretched creatures.

You tell me you would not exterminate the Indians. Then you must civilize them.

In the present condition of this country, situated as the Indian is, surrounded on all sides as he is by white settlements, one result or the other is inevitable. There is no middle ground. He can no longer hang on the borders of civilization, but he must either come within its confines or be buried by its mighty wave, which has long since washed our far western shore. You all say you would civilize the Indian. Then will you send him the sword? You would inspire him with the peaceful principles of Christianity. Is the bayonet their symbol? You would invite him to the sanctuary. Will you herald his approach with martial music, the clangor of arms, and the thunder of artillery?

The true policy to be pursued toward the Indians is to get them upon as few reservations as possible. Let these reservations be sufficiently large to afford them plenty of land to cultivate. Teach them the duty and blessings of labor and the arts of peace as rapidly as you can, and as soon as possible put them under the control of that civil law whose seat is the bosom of God, and whose voice is the harmony of the world, so that the individual will be punished for his crime and his violation of law, and the whole tribe will not be made to suffer for the wrong-doing of one man. To do this it may cost much money, but in the end it is the cheapest plan you can adopt. It is certainly the most just and the most Christian.

In this policy lies the solution of this perplexing problem, which has been a source of trouble to the American people from the first settlement of the country. Sir, the benevolent and Christian men and women of the country should remember that these red men worship the same God that we do; that from many a dark bosom goes up a pure prayer to the Great Spirit; that although he has not traced His laws for them on tables of stone, He has traced them on the tables of their hearts; that these poor children of nature may not know the God of revelation, but the God of the universe they acknowledge in everything around them; and, remembering these things, let them enter through the door, which is wide open, fields for Christian labor and benevolent effort that are presented everywhere.

The subject is worthy their highest consideration, and they should put forth every effort to aid the Government in its great duty of protecting, educating, and elevating this down-trodden race to a higher and nobler style of being. And let us not so legislate upon this question, which is so important that it affects a whole race of people, that they will be compelled to soon hear the roar of the last wave which will settle over them forever, or that in the future the inquisitive white man, as he stands by some great and growing city, will ponder on the structure of their disturbed remains and wonder to what manner of people they belonged, or that they, in the language of one of their number, "will live only in the names of our lakes, rivers, cities, and towns," or only in the songs and chronicles of their exterminators, even if these are faithful to their rude virtues as men or will pay due tribute to their unhappy fate as a people. But let us rather so legislate that the few of this people who remain will be brought within the precincts of civilized society, where they will stand as human monuments of Gothic grandeur, fearful and tremulous amid the revolutions of time; and so that the red man, as well as the white man and the black man, will in the near future, even if it may be when the grand cycle of the hundred years of our existence as a nation is completed, be ready with grateful hearts to exclaim:

Great God, we thank Thee for this home—  
This bounteous birth-land of the free;  
Where wanderers from afar may come  
And breathe the air of liberty.  
Still may her flowers untrampled spring,  
Her harvests wave, her cities rise;  
And yet, till Time shall fold his wing,  
Remain earth's loveliest paradise.

Mr. HANCOCK rose.

Mr. RANDALL. If the gentleman from Texas will yield to me, I will move, in view of the usual hour of adjournment having arrived, that the committee rise.

Mr. HANCOCK. I yield for that motion.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. POLAND reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

#### RIVER AND HARBOR APPROPRIATION BILL.

Mr. SAWYER, by unanimous consent, from the Committee on Commerce, reported a bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

#### CORRECTION OF DATE OF COMMISSIONS.

Mr. ALBRIGHT, by unanimous consent, introduced a bill (H. R. No. 3165) to correct the date of commissions of certain officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### MARGARET CONNELLY.

Mr. GOOCH, by unanimous consent, introduced a bill (H. R. No. 3167) granting a pension to Margaret Connelly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. BUTLER, of Tennessee. I send to the desk an amendment which I desire to offer, when in order, to the Indian appropriation bill. I ask that it may be printed.

There was no objection, and it was so ordered.

#### DAVID A. TELFAIR.

Mr. SMITH, of North Carolina. I ask that by unanimous consent the bill (H. R. No. 3093) to relieve David A. Telfair from political disability, which comes back from the Senate with an amendment inserting the word "political" before the word "disabilities" in the body of the bill, be taken from the Speaker's table, and the Senate amendment concurred in.

There being no objection, the bill was taken from the Speaker's table, and the amendment of the Senate concurred in.

Mr. SMITH, of North Carolina, moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, 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:

An act (H. R. No. 1573) authorizing the Citizens' National Bank of Hagerstown, Maryland, to change its location; and

An act (H. R. No. 1935) for the relief of William J. Scott, late aid-camp on the staff of General Spear.

Mr. GARFIELD. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at five o'clock p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBERT: The petition of Chauncey Brooks, Walter B. Brooks, Derrick Fahnestock, Isaac Thrasher, and John A. Rogers, to be compensated for ninety-nine boxes of tobacco taken by United States troops at Farmville, Virginia, in April, 1865, to the Committee on War Claims.

By Mr. BASS: The memorial of the Buffalo Board of Trade, in relation to the removal of obstructions in Saginaw River, to the Committee on Commerce.

By Mr. BUNDY: The petition of 121 citizens of Scioto and Pike Counties, Ohio, for the establishment of post-routes from Flat, via Nairn, Harrison Mills, and Scioto, to Sciotoville; and from Flat, via Gibson and Germany, to Waverly, in Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. CHIPMAN: The petition of Anna B. Wilson, of Georgetown, District of Columbia, for a pension, to the Committee on Invalid Pensions.

By Mr. FRYE: The petition of Hannah A. A. P. Bonney, of Poland, Maine, for a pension, to the Committee on Invalid Pensions.

By Mr. HAWLEY, of Illinois: The petition of citizens of Rock Island County, Illinois, for aid to the Continental Railway from Omaha to tide-water, to the Committee on Railways and Canals.

By Mr. O'NEILL: The petition of the Philadelphia Association of United States Marines, for equalization of bounties to members of the Marine Corps similar to that of Army volunteers, to the Committee on Military Affairs.

By Mr. SAYLER, of Indiana: Numerous petitions from citizens in different parts of the United States, for the passage of a law authorizing the manufacture of patent-right articles by others than owners of patent-rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

By Mr. SCUDDER, of New York: The memorial of the Yearly Meeting of the Society of Friends of New York, in favor of arbitration for the settlement of international differences, to the Committee on Foreign Affairs.

By Mr. STONE: The petition of banks, bankers, and merchants of the city of Saint Louis, Missouri, representing several hundred millions of capital, that a law may be passed authorizing and requiring the Secretary of the Treasury, in the manufacture of all Government issues hereafter to be made, to conform to the plan recommended by the Joint Select Committee on Retrenchment, March 3, 1869, to the Committee on Banking and Currency.

By Mr. TREMAIN: The petition of Thomas W. Olcott and others, bankers, of Albany, New York, in relation to the engraving of Government notes, to the Committee on Banking and Currency.

By Mr. —: The petition of citizens of the District of Columbia, in relation to the proposed laying of railroad tracks and running steam-cars on Delaware avenue, Washington, District of Columbia, to the Committee on the District of Columbia.

## IN SENATE.

THURSDAY, April 30, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

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

#### PETITIONS AND MEMORIALS.

Mr. HAMILTON, of Maryland, presented a petition of citizens of Baltimore, Maryland, in favor of the appointment of a commission, composed of both males and females, to visit the various Indian tribes and confer with them as to the best modes for the restoration and preservation of good-will between the races; which was referred to the Committee on Indian Affairs.

Mr. ROBERTSON presented the petition of Leora J. Allen, of South Carolina, praying compensation for land sold for taxes by the Government during the late war; which was referred to the Committee on Claims.

Mr. HITCHCOCK presented twenty-two memorials numerously signed by members of the different granges of the State of Nebraska, protesting against the extension of the patent of what is known as the "Haines harvester;" which were referred to the Committee on Patents.

Mr. FRELINGHUYSEN presented a memorial of ship-masters and ship-owners of the State of New Jersey, remonstrating against the passage of Senate bill No. 675, providing for the abolition of the present system of compulsory pilotage on ships or vessels; which was referred to the Committee on Commerce.

Mr. CONOVER presented a petition of George H. Wellman, of Lowell, Massachusetts, in behalf of the heirs of George Wellman, deceased, praying that the administrator of the estate of said decedent have leave to make application to the Commissioner of Patents for a further extension of the letters-patent for an apparatus for stripping top-flats for carding engines for the term of seven years from and after the expiration of its present term; which was referred to the Committee on Patents.

Mr. BOGY presented the petition of J. E. D. Couzins, of Saint Louis, Missouri, praying an appropriation of \$10,000 out of the fund appropriated for the detection and punishment of the crime of counterfeiting as compensation for time, labor, and money expended in discovering an extensive counterfeiting establishment, with all the implements and materials used for bank-note engraving; which was referred to the Committee on Finance.

Mr. STEVENSON presented the petition and accompanying papers of Mrs. Martha G. Vaughn and Mrs. Louisa Jackman, praying compensation for services rendered the United States Army during the late war; which was referred to the Committee on Military Affairs.

Mr. FENTON presented additional papers in relation to the claim of Glover & Mather, praying compensation for transporting the United States mails between Louisville and New Orleans; which were referred to the Committee on the Judiciary.

Mr. ANTHONY. I hold in my hand a paper which I desire to present to the Chair. Whatever relates to the organization of the Senate, to its practices, traditions, and precedents, is always interesting and valuable; and I think this paper is particularly so, drawn up as it has been by an officer of the Senate who has been very long in our service, longer than any of us, upon the tenure of the office of the President of the Senate *pro tempore*. I move that the paper be printed.

The motion was agreed to.