

the Lava Beds, California, January 17, 1873, and at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. John Morrison Hamilton, Fifth Cavalry (now major, First Cavalry), for gallant service in action January 16, 1873, against Tonto Apache Indians in the foothills of the Tortilla Mountains, Arizona, in connection with gallant conduct in the closing campaign against those Indians.

First Lieut. Melville Carey Wilkinson, Third Infantry, brevet captain, United States Army (now captain, Third Infantry), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877, and at Kamiah, Idaho, July 13, 1877.

Capt. Edward Miles Heyl, Ninth Cavalry (late colonel, inspector-general, since deceased), for gallant service in action against Indians at the Rio Pecos, Texas, June 7, 1869, the Salt Fork of the Brazos River, Texas, September 16, 1869, and at the South Fork of the Llano River, Texas, November 24, 1869, in which last-named action he was severely wounded.

*To be captain by brevet.*

First Lieut. George William Baird, Fifth Infantry (now major, paymaster), for gallant service in action against Indians at Red River, Texas, August 30, 1874, and at Bear Paw Mountain, Montana, September 30, 1877, in which last-named action he was severely wounded.

First Lieut. Edward Mortimer Hayes, Fifth Cavalry (now major, Seventh Cavalry), for gallant service in action against Indians at Beaver Creek, Kans., October 25 and 26, 1868.

First Lieut. William Richardson Hall, assistant surgeon (now major, surgeon), for gallant service in action against Indians in attending to his professional duties under fire at the Clearwater, Idaho, July 11 and 12, 1877.

First Lieut. Frederick Henry Ernst Ebstein, Twenty-first Infantry (now captain, Twenty-first Infantry), for gallant service in action against Indians at Cottonwood Ranch, Idaho, July 4, 1877; Camas Meadows, Idaho, August 20, 1877, and at the Umatilla Agency, Oreg., July 13, 1878.

First Lieut. Wilber Elliott Wilder, Fourth Cavalry (now captain, Fourth Cavalry), for gallant service in action against Indians, inclusive of the rescue while under heavy fire of an enlisted man who was severely wounded at Horse-Shoe Canyon, New Mexico, April 23, 1882.

*To be first lieutenant by brevet.*

Second Lieut. William Curtis Forbush, Fifth Cavalry (now captain, Fifth Cavalry), for gallant service in action against Indians at Beaver Creek, Kans., October 25 and 26, 1868.

Second Lieut. Robert Powell Page Wainwright, First Cavalry (now captain, First Cavalry), for gallant service in action against Indians at the Umatilla Agency, Oreg., July 13, 1878.

Second Lieut. Guy Howard, Twelfth Infantry (now captain, assistant quartermaster), for gallant service in action against Indians at Camas Meadows, Idaho, August 20, 1877.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 23, 1895.*

##### CONSUL.

William Crichton, of West Virginia, to be secretary of legation of the United States at Brazil.

##### REGISTER OF THE LAND OFFICE.

Thomas A. Dunlavy, of Fisher, Minn., to be register of the land office at Crookston, Minn.

##### POSTMASTERS.

Richard Gleason, to be postmaster at Antwerp, in the county of Jefferson and State of New York.

James S. Kissane, to be postmaster at Chateaugay, in the county of Franklin and State of New York.

John H. Mealey, to be postmaster at Greenwich, in the county of Washington and State of New York.

Jacob M. Winder, to be postmaster at Bristol, in the county of Bucks and State of Pennsylvania.

*Executive nominations confirmed by the Senate February 25, 1895.*

##### PROMOTION IN THE NAVY.

Assistant Engineer John C. Leonard, to be a passed assistant engineer in the Navy.

##### APPOINTMENTS IN THE NAVY.

Assistant Engineer John T. Myers, to be a second lieutenant in the Marine Corps.

Second Lieut. Walter Ball, United States Marine Corps, to be an assistant engineer in the Navy.

##### CONSULS.

Samuel W. Thome, of Pennsylvania, to be consul of the United States at Asuncion, Paraguay.

William W. Masterson, of Kentucky, to be consul of the United States at Aden, Arabia.

Fred. Ellison, of Indiana, to be consul of the United States at Belize, British Honduras.

##### POSTMASTERS.

Louis A. Dickinson, to be postmaster at Fremont, in the county of Sandusky and State of Ohio.

Solomon S. Metzger, to be postmaster at Bedford, in the county of Bedford and State of Pennsylvania.

F. J. Smedley, to be postmaster at North East, in the county of Erie and State of Pennsylvania.

Samuel E. Fleming, to be postmaster at Huntingdon, in the county of Huntingdon and State of Pennsylvania.

F. G. Edmiston, to be postmaster at Crockett, in the county of Houston and State of Texas.

James F. Charlesworth, to be postmaster at St. Clairsville, in the county of Belmont and State of Ohio.

John H. Hicock, to be postmaster at Flint, in the county of Genesee and State of Michigan.

James R. Holcombe, to be postmaster at Gothenburg, in the county of Dawson and State of Nebraska.

John E. Kelly, to be postmaster at Dundee, in the county of Kane and State of Illinois.

Arthur L. Morse, to be postmaster at Atkinson, in the county of Holt and State of Nebraska.

Sallie Howard, to be postmaster at Tuskegee, in the county of Macon and State of Alabama.

Charles G. Kress, to be postmaster at Lewiston, in the county of Nez Perces and State of Idaho.

Mary F. Holland, to be postmaster at Friend, in the county of Saline and State of Nebraska.

Martin J. Conley, to be postmaster at Warren, in the county of Bristol and State of Rhode Island.

George W. Marshall, to be postmaster at Swampscott, in the county of Essex and State of Massachusetts.

George E. Bryant, to be postmaster at Baldwinville, in the county of Worcester and State of Massachusetts.

Houston D. McCabe, to be postmaster at St. Johns, Michigan.

#### HOUSE OF REPRESENTATIVES.

MONDAY, February 25, 1895.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. B. BAGBY.

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

##### VETO MESSAGE—SOCIETY OF AMERICAN FLORISTS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Agriculture, and ordered to be printed:

*To the House of Representatives:*

I return herewith without approval House bill No. 5740, entitled "An act incorporating the Society of American Florists."

No sufficient reason is apparent for the incorporation of this organization under Federal laws. There is not the least difficulty in the way of the accomplishment under State laws by the incorporators named in the bill of every purpose which can legitimately belong to their corporate existence. The creation of such a corporation by a special act of Congress establishes a vexatious and troublesome precedent.

There appears to be no limit in the bill to the value of the real and personal property which the proposed corporation may hold if acquired by donation or bequest. The limit of \$50,000 applies only to property acquired by purchase.

A conclusive objection to the bill is found in the fact that it fails to carry out the purposes and objects of those interested in its passage. The promoters of the bill are florists who undoubtedly seek to advance floriculture. The declared object of the proposed incorporation is, however, stated in the bill to be "the elevation and advancement of horticulture in all its branches, to increase and diffuse the knowledge thereof, and for kindred purposes in the interest of horticulture."

It is entirely clear that the interests of florists would be badly served by a corporation confined to the furtherance of garden culture.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 23, 1895.

##### VETO MESSAGE—OKLAHOMA AND PACIFIC RAILWAY COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

*To the House of Representatives:*

I return herewith without approval House bill No. 8165, entitled "An act authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through Indian reservations in the Indian Territory and the Territories of Oklahoma and New Mexico, and for other purposes."

This bill contains concessions more comprehensive and sweeping than any ever presented for my approval, and it seems to me the rights and interests of the Indians and the Government are the least protected.

The route apparently desired, though passing through or into one State and three Territories, is described as indefinitely as possible, and does not seem to be subject to the approval in its entirety of the Secretary of the Interior or any other governmental agency having relation to the interest involved.

There is no provision for obtaining the consent of the Indians through whose territory and reservations the railroad may be located.

Though it is proposed to build the railroad through Territories having local courts convenient to their inhabitants, all controversies that may arise out of the location and building of the road are by the provisions of the bill to be passed upon by the United States circuit and district courts for the district of Kansas, "and such other courts as may be authorized by Congress."

The bill provides that "the civil jurisdiction of said courts is hereby extended within the limits of said Indian reservations without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act." This provision permits the subordination of the jurisdiction of Indian courts, which we are bound by treaty to protect, to the "provisions of this act" and to the interests and preferences of the railroad company for whose benefit the bill under consideration is intended.

A plan of appraisal is provided for in the bill in case an agreement can not be reached as to the amount of compensation to be paid for the taking of lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes, or by allotment or agreement with the Indians. It is, however, further provided that in case either party is dissatisfied with the award of the referees to be appointed an appeal may be taken to the district court held at Wichita, Kans., no matter where on the proposed route of the road the controversy may originate. If upon the hearing of said appeal the judgment of the court shall be for the same sum as the award of the referees, the costs shall be adjudged against the appellant, and if said judgment shall be for a smaller sum the cost shall be adjudged against the party claiming damages. It does not seem to me that the interests of an Indian occupant or allottee is properly regarded when he is obliged, if dissatisfied with an award for the taking of his land, to go to the district court of Kansas for redress, at the risk of incurring costs and expenses that may not only exceed the award originally made to him, but leave him in debt.

It is probable that there are other valid objections to this bill. I have only attempted to suggest enough to justify my action in disapproving it.

In constructing legislation of this description it should not be forgotten that the rights and interests of the Indians are important in every view and should be scrupulously protected.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 23, 1895.

VETO MESSAGE—HIRAM R. RHEA.

The SPEAKER also laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith without approval House bill No. 4658, entitled "An act granting a pension to Hiram R. Rhea and repealing an act approved March 3, 1871."

The person named in the title of this bill was pensioned under the provisions of a private act passed March 3, 1871. In 1892 a letter from the Commissioner of Pensions was presented to Congress exhibiting facts which established in a most satisfactory manner that the claim for pension allowed by said special act was a barofaced and impudent fraud, supported by deliberate perjury. This letter appears to be the moving cause of the passage of the bill now before me. Payment of pension under the fraudulent act has been suspended since January 23, 1893, and since that time no information has been received from the fraudulent pensioner.

The circumstances developed called for the repeal of the law of 1871 placing him upon the pension roll. This is accomplished in the second section of the bill under consideration, which section I would be glad to approve. This repeal, however, is accompanied by a provision in the first section of the bill directing the Secretary of the Interior to place upon the pension roll this identical fraudulent pensioner under "a certificate numbered precisely the same as that heretofore issued to him" at a rate proportionate to the degree of disability from such gunshot wounds as may be shown to the satisfaction of said Secretary to have been received at the hands of Confederate soldiers or sympathizers while said Rhea was attempting to cooperate with the Union forces," etc.

Inasmuch as the letter of the Commissioner of Pensions to which reference has been made, and which forms part of the committee's report on this bill is the basis of this repealing provision, and inasmuch as this letter furnishes evidence that the pensioner was, when injured, a very disreputable member of a band of armed rebels and was wounded by Union soldiers, I can not understand why the same bill, which for this reason purges the pension rolls of his name, should in the same breath undo this work and direct his name to be rewritten on the rolls.

If the facts before Congress justify the repeal of the law under which this man fraudulently received a pension for nearly twenty-two years they certainly do not justify the provision directing his name to be put on the rolls again with a view to further examination of his case or for any other purpose.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 23, 1895.

Mr. MARTIN of Indiana. Mr. Speaker, I ask consent that that message, with the accompanying papers, be allowed to remain on the table for the present.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes; in which the concurrence of the House was requested.

WITHERBY & GAFFNEY.

The SPEAKER laid before the House the bill (H. R. 4507) for the relief of Witherby & Gaffney, with a Senate amendment.

The Senate amendment was read.

Mr. CHICKERING. Mr. Speaker, I move that the House concur in the amendment of the Senate with the following additional amendments, which I ask the Clerk to report.

The Clerk read as follows:

In line 30, after the word "aforesaid," insert the following: "Provided, That in no event shall an amount exceeding \$5,414.28 be allowed against the Government."

In line 33, after the word "appropriated," insert the following: "Not exceeding \$5,414.28."

The amendments to the amendment were agreed to.

The amendment of the Senate as amended was agreed to.

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

SENATE RESOLUTIONS REFERRED.

The SPEAKER laid before the House the following joint reso-

lutions of the Senate; which were severally read a first and second time, ordered to be printed, and referred to the committees named below:

Joint resolution (S. R. 133) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River, between the States of New Jersey and Pennsylvania—to the Committee on Interstate and Foreign Commerce.

Joint resolution (S. R. 134) calling on the President to take such measures as he may deem necessary to consummate the agreement between the Governments of Spain and the United States for the relief of Antonio Maximo Mora, a naturalized citizen of the United States—to the Committee on Foreign Affairs.

DONATION OF CANNON TO CITY OF BURLINGTON, VT.

The SPEAKER laid before the House the joint resolution (S. R. 138) authorizing the Secretary of the Navy to deliver unserviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park.

Mr. POWERS. Mr. Speaker, I ask for the present consideration of this joint resolution.

The joint resolution was read, as follows:

*Resolved, etc.,* That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the mayor of the city of Burlington, Vt., four pieces of unserviceable or condemned cannon and one hundred cannon balls, for use in decorating Battery Park, in said city, where soldiers and sailors of the war of 1812 were buried: *Provided,* That the same can be spared without detriment to the service, and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The joint resolution was ordered to a third reading; and being read a third time, was agreed to.

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

RETURN OF A JOINT RESOLUTION TO THE SENATE.

The SPEAKER laid before the House the following Senate resolution:

*Resolved,* That the Secretary be directed to request the House of Representatives to return to the Senate the engrossed joint resolution (H. Res. 277) in reference to the free zone along the northern frontier of Mexico and adjacent to the United States.

The SPEAKER. Without objection, this request of the Senate will be complied with, and the bill will be returned to the Senate in accordance with the request.

There was no objection.

ROBERT BRIGHAM.

Mr. SIBLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7000) for the relief of Robert Brigham, late postmaster at Franklin, Pa.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Robert Brigham, late postmaster at Franklin, Pa., the sum of \$2,000.93, out of any money in the Treasury not otherwise appropriated, the same being amount lost through the failure of Venango National Bank, where such money was deposited by order of the Postmaster-General.

Mr. SAYERS. I should like to have some explanation of this bill. We want to know when this loss occurred.

The SPEAKER. Without objection, the gentleman can make a short explanation.

Mr. SIBLEY. Mr. Speaker, Mr. Robert Brigham was appointed postmaster by President Lincoln, at a time when the post-office at Franklin was a fourth-class post-office. Inside of a very few months, on account of the discovery and development of the petroleum fields of that Commonwealth, this post-office became the second or third office in the amount of business transacted in the State of Pennsylvania. Mr. Brigham, at his own expense, fitted up the office and put in boxes. At that time Mr. C. B. Culver, of the firm of Culver, Penn & Co., was a Representative in Congress. Another banker, Mr. Blakeley, was the bondsman of Mr. Brigham. Mr. Culver secured an order or presented an order to Mr. Brigham from the Postmaster-General, which Major McDowell, a member of the present House from Pennsylvania, who was at that time a clerk in the office, saw and read, directing him to transfer his account from the bank of Mr. Blakeley, who was his bondsman, to the bank of Mr. Culver. Very soon thereafter Mr. Culver failed, the national bank failed, and Mr. Brigham lost his money. A fire which occurred afterwards destroyed all the fixtures that he had put in at his own expense. Mr. Brigham's bill was originally for \$7,000.

Mr. McDowell, Mr. Stone, and myself agreed, all being residents of the town, that the money he had deposited under the order of the Postmaster-General should be paid to him and that we would unite in asking the House to reimburse him. This bill passed the Senate, but it failed to obtain consideration in the House. It has been before Congress for twenty years. It is another "Denman" case. This is a very small portion of the amount of money he lost. He went in there in affluent circumstances and was almost pauperized.