

## SOUTHERN RAILWAY COMPANIES.

Mr. MAXEY. I move to set aside all previous orders and take up the bill (S. No. 98) to provide for the settlement of accounts with certain railway companies. I will state that when the Geneva award bill was called up I had made a similar motion before, but learning during the discussion that the notice to call up the Geneva award bill was understood to be in order after the Hot Springs bill, in charge of the Senator now occupying the chair, was disposed of, I yielded to that as a matter of right, giving notice that I should call this bill up at the conclusion of the Geneva award bill. It is a very important bill, and was partially discussed on a former day by the Senator from Vermont [Mr. EDMUNDS] and myself. It has been in the hands of the Committee on Military Affairs for a great while, and I desire to have it disposed of. I think it will not take more than a day or two to discuss it, and it ought to be disposed of as soon as possible.

Mr. WITHERS. I feel compelled to antagonize the motion of the Senator from Texas by proposing to take up for consideration House bill No. 5523, making appropriations for the support of the Army. Reports from the Committee on Appropriations of regular appropriation bills have usually been accorded in the Senate the preference in receiving consideration over other bills.

Mr. MAXEY. I have only to say in reply to the Senator from Virginia that I have no desire, as the word nowadays is, to antagonize—I should prefer “oppose”—the Army appropriation bill, but I desire to have the bill I have moved before the Senate, and if it be brought before the Senate I am willing to lay it aside and take up the Army appropriation bill.

Mr. EDMUNDS. That cannot be done. I shall not agree to lay aside anything informally for the present, for I think it injurious to getting along with the business of the Senate, and particularly this bill, perhaps because I am so much opposed to it.

Mr. MAXEY. Then I insist on my motion. Let it be disposed of in some way.

Mr. PLUMB. I should like to make an inquiry of the Senator from Texas. Does his motion include the laying aside of the Calendar?

Mr. MAXEY. Oh, no! The Calendar would be taken up to-morrow as usual. The consideration of this bill will have nothing to do with the Calendar.

Mr. WITHERS. I wish to state that it is now late in April, and only one general appropriation bill has passed Congress. There is an appropriation bill now pending on the Calendar of the Senate which it is desirable to take up and act upon before some other general appropriation bills are passed upon, and it is the desire of the Appropriations Committee as soon as the Army bill shall have been disposed of to take up the bill reported from the same committee proposing to repeal indefinite permanent annual appropriations. I think, with all due deference, that the Senate should consider appropriation bills of this character which are absolutely important, and some of them indispensable to be passed, rather than take up other bills. That is all I have to say.

Mr. EDMUNDS. I believe it has been the universal practice in this body, as it ought to be, when the Committee on Appropriations is ready, after it has reported a bill and it has been on the table a day or two so that we may see it, to take up the appropriation bill, to take it up against everything else except in some very extreme emergency. Therefore, without regard to the merit of the bill of my friend from Texas, I certainly think we ought to refuse to take that up, but should take up the bill proposed by the Senator from Virginia.

Mr. MAXEY. I agreed to give way to the Geneva award bill with the distinct understanding, as Senators will remember, that I would have the bill I have now moved taken up at the conclusion of the Geneva award bill. That was assented to by Senators. As a matter of course I am satisfied that the Senator from Vermont is not only willing to lay aside this bill for the present but for all time to come, and hence will feel very well if the Senate does not consider it; but I believe that the proposition which I make is fair and just. The appropriation bill referred to by the Senator from Virginia is not suffering. The bill I move has been in the hands of the committee during several Congresses, has been continually reported one way, and it ought to be now taken up by the Senate and disposed of, and the committee relieved from further duty in the matter.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas to proceed to the consideration of the bill indicated by him.

Mr. WITHERS. I move to amend that by substituting House bill No. 5523.

Mr. EDMUNDS. That is not in order.

The PRESIDING OFFICER. The Chair holds that that is not in order.

Mr. DAVIS, of West Virginia. I hope the motion of the Senator from Texas to take up the railroad-grant bill, as it is known, will not prevail. As was well said by the Senator from Virginia, the Appropriation Committee has now ready for action what is known as the Army appropriation bill. I believe it has been universally the rule of the Senate to take up appropriation bills when they are ready for action. In addition to that, it is well known that a few days ago the bill to repeal permanent indefinite annual appropriations was before the Senate for consideration and we proceeded to a certain extent with it, when the Senator from Vermont [Mr. MORRILL] and several other Senators requested that it should go over for a day or two, or

until the Geneva award bill was disposed of, as some of them wanted to examine it. It is well recollected by Senators that I assented to that arrangement, if it was one, or at least I gave way to the wishes of Senators. I now give way in that particular to a regular appropriation bill, which I think it is my duty to do, although the other bill is also from the Appropriation Committee and ought to be considered, so as to get it over to the House as early as possible.

The PRESIDING OFFICER. Will the Senate proceed to the consideration of the bill indicated by the Senator from Texas?

The motion was not agreed to; there being on a division—ayes 17, noes 28.

## ARCTIC EXPEDITION.

Mr. McPHERSON. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 3534) to authorize and equip an expedition to the Arctic Seas, to report it without amendment and submit a report thereon, which I ask to have printed.

The PRESIDING OFFICER. The report will be printed under the rule.

Mr. McPHERSON. This is an important matter, one that should be considered very early if at all, and I shall ask for the consideration of the bill on Monday morning next in the morning hour.

## SETTLEMENT OF PRIVATE LAND CLAIMS.

Mr. EDMUNDS. I wish to give notice that I shall ask the Senate, on behalf of the Committee on Private Land Claims, as early as I possibly can, to take up the bill (S. No. 818) to provide for ascertaining and settling private land claims in certain States and Territories, which is a very important bill for settling private land claims generally, in New Mexico and those Territories where we have not had land commissions before. I should not have thought of giving the notice, only it seems that a notice is regarded as a kind of caveat that gives somebody a preference, though the rules do not provide for it.

## HOUSE BILLS REFERRED.

The bill (H. R. No. 2481) to create an additional land district in the State of Kansas was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 3717) relating to convicts in the territorial prison of Idaho Territory was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. No. 3751) to amend chapter 198, volume 16, of the Statutes at Large, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 5894) to authorize the sale of Fort Logan, Montana Territory, and to establish a new post on the frontier was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 2467) granting a pension to Daniel D. Long was read twice by its title, and referred to the Committee on Pensions.

## ARMY APPROPRIATION BILL.

Mr. WITHERS. I now move to take up House bill No. 5523, making appropriations for the support of the Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes.

Mr. EDMUNDS. I presume the Senator from Virginia does not desire to press his bill to-night?

Mr. WITHERS. No, sir.

Mr. EDMUNDS. Therefore, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Army appropriation bill being before the Senate, as in Committee of the Whole, the Senator from Vermont moves 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 twenty minutes spent in executive session the doors were reopened, and (at five o'clock and twenty minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 21, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

## UNITED STATES COURTS IN INDIANA.

Mr. NEW. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of House bill No. 2384, amendatory of and supplementary to “An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana,” approved June 18, 1878, (which bill has been reported unanimously from the Judiciary Committee,) and that it be taken up now for consideration.

Mr. CONGER. Yesterday, when I made a request for unanimous consent for the consideration of a very important measure, which would have taken but a moment, objection was made. It was not the gentleman from Indiana [Mr. NEW] who objected, but I think it

best that we should follow the regular order as the quickest way possible for disposing of our business. It is very necessary that we should reach the bill which I asked the House yesterday to consider. Several MEMBERS. "Regular order!"

PRINTING OF SMITHSONIAN REPORT.

Mr. WILSON. I rise to make a privileged report from the Committee on Printing. That committee has directed me to report back, with a recommendation that the House concur, a resolution of the Senate for printing copies of the report of the Smithsonian Institution.

The Clerk read as follows:

*Resolved by the Senate, (the House of Representatives concurring.)* That 10,500 copies of the report of the Smithsonian Institution for the year 1879 be printed; 1,000 copies of which shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,500 for the use of the Smithsonian Institution.

Mr. DUNNELL. I wish the gentleman from West Virginia [Mr. WILSON] would consent to an amendment. I would like to amend this resolution by striking out the word "ten," and inserting "fifteen," so as to provide for printing 15,500 copies of this report.

Mr. WILSON. The resolution proposes the number which has been printed every year for a long series of years, and which I believe has been found to be sufficient.

Mr. DUNNELL. This Smithsonian report is a very valuable document. Members of the House are in the habit of getting seven or perhaps nine copies each. There are more than that number of public libraries in every congressional district in the country. This is a report which we may well print in larger number than is here proposed. I have already very many calls for it. After the document has been printed and stereotyped the expense of a few thousand additional copies is very trifling indeed. It costs more to print the reports which are sent around to members, only to fill up their rooms, than it would to print 5,000, yes, 10,000, additional copies of the Smithsonian report.

I move to amend by striking out "10" and inserting "15," so as to provide for printing 15,500 copies; and then the distribution can be arranged so as to give to the House and the Senate this additional 5,000—3,500 to the House and 1,500 to the Senate.

Mr. WILSON. I do not feel authorized to accept the amendment for the reason—

Mr. DUNNELL. Well, I understand that it is my right to move the amendment.

The SPEAKER. It is, if the gentleman from West Virginia yields for that purpose before demanding the previous question.

Mr. WILSON. I have not yielded except to hear the suggestion.

Mr. NEW. I rise to a question of order. I wish to inquire whether this matter is or is not now before the House in contravention of the call for the regular order made by the gentleman from Michigan.

The SPEAKER. Under the rules, the Committee on Printing has the right to report at any time touching matter—

Mr. NEW. I do not care to hear the rule read.

The SPEAKER. The gentleman from West Virginia has the right to report from the Committee on Printing under the rules; and because of that right he has been recognized.

Mr. DUNNELL. I presume that my motion is in order.

The SPEAKER. The gentleman from West Virginia is on the floor, and states that he does not yield for the amendment.

Mr. DUNNELL. I did not ask him to yield. I addressed the Chair and made my motion to amend. The previous question has not been called.

The SPEAKER. Until an adverse vote by the House, the resolution is under the control of the gentleman from West Virginia who reports it.

Mr. DUNNELL. Does the Chair undertake to say that a resolution reported here is not open to amendment?

The SPEAKER. The Chair states that the gentleman reporting a measure has the right to test the sense of the House as to cutting off amendments by calling the previous question.

Mr. DUNNELL. The gentleman has not demanded the previous question.

The SPEAKER. The gentleman is still on the floor and declines to yield for an amendment.

Mr. DUNNELL. I was recognized to make a motion to amend; I have made such a motion, and I was heard upon that motion.

The SPEAKER. The gentleman from West Virginia states that he yielded for a suggestion, not for an amendment. The Chair uniformly recognizes the right of a member reporting a measure to retain its control until an adverse vote by the House.

Mr. DUNNELL. I cannot understand why the gentleman from West Virginia should object to allowing an amendment.

The SPEAKER. That is another question—a question with which the Chair has nothing to do.

Mr. DUNNELL. The gentleman is not under instructions of the committee not to allow an amendment to be offered.

Mr. WILSON. I cannot yield further. This subject has undergone investigation by the Committee on Printing in the Senate. The Senate passed it without objection. It has come to the House and gone to the Committee on Printing.

Mr. DUNNELL. Because it passed the Senate without objection is no reason why we should pass it without objection.

Mr. WILSON. I beg to say this amount has been recommended by

the Department, and it is all that is asked. I demand the previous question.

Mr. DUNNELL. We are not legislating for the Smithsonian Institution, but we are legislating for the country at large. The Smithsonian gets two-thirds of what we vote here. I hope the previous question will be voted down, so we may test this question in behalf of the people.

The demand for the previous question was not seconded.

Mr. DUNNELL. I move to strike out "10,500" and insert "15,500," and to provide that 5,000 copies be for the use of the Smithsonian Institution, 8,000 for the House, and 2,500 for the Senate.

The SPEAKER. The resolution, if amended, will read as follows: The Clerk read as follows:

*Resolved by the Senate, (the House of Representatives concurring therein.)* That 15,500 copies of the report of the Smithsonian Institution for the year 1879 be printed; 2,500 copies of which shall be for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 5,000 for the use of the Smithsonian Institution.

Mr. TOWNSHEND, of Illinois. What will be the additional cost?

Mr. DUNNELL. I am unable to say.

Mr. TOWNSHEND, of Illinois. Would it not be small?

Mr. DUNNELL. Very small; as the expense will only be for printing and paper, the plates being stereotyped.

Mr. REAGAN. What is the use of 5,000 for the Smithsonian Institution?

Mr. DUNNELL. Five thousand is enough for the use of the Smithsonian Institution. I demand the previous question on the concurrent resolution and amendment.

The previous question was seconded and the main question ordered; and under the operation thereof Mr. DUNNELL'S amendment was agreed to; and the resolution, as amended, was concurred in.

Mr. DUNNELL moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON FISH AND FISHERIES.

Mr. WILSON. I am also instructed by the Committee on Printing to report back joint resolution (S. R. No. 100) to print extra copies of the report on fish and fisheries for the year 1879, with an amendment.

The amendment reported from the Committee on Printing was, after the word "printing," to strike out:

And 2,500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added.

So as to make the resolution read:

*Resolved by the Senate, (the House of Representatives concurring.)* That there be printed 10,000 extra copies of the report of the Commissioner of Fish and Fisheries for the year 1879, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 1,500 copies for the use of the Commissioner of Fish and Fisheries, the illustrations to be made by the Public Printer, under the direction of the Joint Committee on Public Printing.

Mr. WILSON. I demand the previous question on the joint resolution and amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to. The joint resolution, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EULOGIES ON SENATOR HOUSTON.

Mr. WILSON. I am also instructed by the Committee on Printing to report back favorably joint resolution (S. R. No. 91) relating to the memorial addresses delivered on the occasion of the passage of resolutions in the Senate and House of Representatives commemorative of Hon. George S. Houston, late a Senator of the United States.

The joint resolution was read, as follows:

That 12,000 copies of the proceedings connected with the funeral of and eulogies delivered in the Senate and in the House of Representatives upon the late George S. Houston be printed, 8,000 for the use of the House of Representatives, and 4,000 for the use of the Senate; and that the sum of \$500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for the expense of procuring a portrait of the late Mr. Houston, under the direction of the Secretary of the Treasury.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS, FORT WAYNE, INDIANA.

The SPEAKER. The Chair understands the gentleman from Michigan [Mr. CONGER] withdraws his objection to the motion of the gentleman from Indiana, [Mr. NEW,] to take from the House Calendar and put on its passage at this time a bill (H. R. No. 2384) amendatory of and supplementary to "An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878, reported from the Committee on the Judiciary with amendments.

Mr. ATKINS. If that bill is going to excite discussion, I must object.

Mr. NEW. My colleague [Mr. BROWNE] wishes to be heard briefly in opposition to the bill, and I will yield to him for five minutes.

Mr. BROWNE. I desire eight minutes.

Mr. NEW. Very well, then, I will yield to my colleague for eight minutes.

Mr. ATKINS. I dislike to object—

Mr. CAMP. Is discussion to go to the extent of eight minutes? I thought five minutes was the limit on the other side. [Laughter.]

Mr. BRIGGS. I object.

#### PENSION COURT.

Mr. GEDDES. Mr. Speaker, I desire to present a matter to which I think there will be no objection and need no discussion at this time. I move that Saturday of this week be assigned for the consideration of the bill for the organization of a pension court. I think we appreciate and understand it will be a great saving of time and prevent frequent night sessions which we are now compelled to hold.

Mr. ATKINS. I object.

Mr. NEW. I understood the gentleman from Michigan to withdraw his objection to my request.

The SPEAKER. The gentleman from New Hampshire renewed the objection.

Mr. GEDDES. I will say, then, Thursday night of this week instead of Saturday, and I hope the gentleman from Tennessee will not object to that.

The SPEAKER. That night has already been set apart for reports from the Committee on Foreign Affairs, as the Chair is informed.

Mr. BLOUNT. Take the following week.

Mr. GEDDES. Then fix Thursday night of the next week.

Mr. ATKINS. These meetings here at night have turned out to be perfect farces, and I shall object to them.

Mr. GEDDES. That is the very evil I propose to correct. It is evident that but little good can be accomplished by night sessions on pension bills. The passage of the bill referred to will obviate that difficulty and accomplish the object that gentlemen have in view in these night sessions. There are gentlemen enough here who attend these evening sessions to understand the force of what I say, that we are mispending our time—worse than mispending our time I may say—for we are criminally spending the money of the Government here in attempting to conduct the public business under the difficulties that now exist. All of this can be obviated by the adoption of the bill which I now ask to be considered. If the House will consent to fixing Thursday night of next week at seven and a half o'clock, the House to take a recess from four and a half o'clock until that hour, we can obviate the necessity for these night sessions.

Mr. ATKINS. I have no objection to that.

Mr. HARRIS, of Virginia. Is it in order now to move to go to business on the Speaker's table in order to take up the resolution introduced some time ago by myself fixing the daily hour of meeting at eleven o'clock? That will obviate the necessity for these night sessions.

Mr. GEDDES. I hope the gentleman from Virginia will not object to this.

Mr. COFFROTH. This is a very important bill, and ought to be considered as soon as possible.

Mr. BLAND. I demand the regular order.

Mr. WARNER. I hope there will be no objection to the proposition made by the gentleman from Ohio to fix Thursday night of next week for the consideration of this bill.

Mr. STEVENSON. I desire to ask the attention of the House for a moment.

The SPEAKER. The gentleman from Missouri having demanded the regular order, the Chair must recognize that demand.

Mr. GEDDES. I hope the gentleman from Missouri will withdraw that demand for a moment. I know if he reflects for a moment he will not object to my proposition.

Mr. BLAND. I withdraw the demand for the regular order.

The SPEAKER. The Chair will state the proposition of the gentleman from Ohio. He now asks that Thursday evening of next week at half past seven o'clock be set apart for the consideration of a bill reported from the Special Committee on Invalid Pensions, the title of which the Clerk will now report.

Mr. GEDDES. And the House to take a recess from half past four o'clock that day until the hour fixed for the evening session.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill to establish a court of pensions.

Mr. CASWELL. I ask the gentleman to include the consideration of the substitute.

Mr. COFFROTH. That will be included.

The SPEAKER. Is there objection to the motion of the gentleman from Ohio?

There was no objection, and it was ordered accordingly.

#### ORDER OF BUSINESS.

Mr. BLAND. I now demand the regular order.

The SPEAKER. The morning hour begins at twenty minutes to one o'clock.

Mr. McMAHON. I move to dispense with the morning hour for the purpose of considering the immediate deficiency bill.

Mr. PAGE. That will require two-thirds.

Mr. GUNTER. I ask to introduce two bills for reference at this time.

The SPEAKER. That can only be done by unanimous consent.

Mr. McMAHON. I insist upon my motion.

The House divided; and there were—ayes 115, noes 45.

Mr. CONGER demanded tellers.

Tellers were ordered.

The Chair appointed Mr. CAMP and Mr. McMAHON tellers.

The House again divided; and the tellers reported—ayes 118, noes 49.

So (two-thirds voting in favor thereof) the motion to dispense with the morning hour was agreed to.

Mr. McMAHON. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the immediate deficiency bill; and pending that I move that when the House does so resolve itself into Committee of the Whole all general debate be limited to five minutes.

Mr. CONGER. I move to amend by making the time two hours, one hour on each side; and if the other side does not wish to make any reply, then that the time be fixed at one hour and twenty minutes.

The SPEAKER. The Chair desires to submit the motion to the House and hopes the gentleman from Michigan will fix the time.

Mr. CONGER. Then I move to amend by making the time two hours.

Mr. PAGE. To be equally divided?

The House divided; and there were—ayes 75, noes 85.

Mr. CONGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 106, noes 114, not voting 72; as follows:

#### YEAS—106.

Aldrich, N. W.	Davis, Horace	Joyce,	Richardson, D. P.
Aldrich, William	Deering,	Ketcham,	Ryan, Thomas
Anderson,	Dunn,	Killinger,	Sapp,
Bailey,	Dunnell,	Lapham,	Shallenberger,
Ballou,	Dwight,	Lindsey,	Sherwin,
Barber,	Einstein,	Loring,	Smith, A. Herr
Bayne,	Errett,	Lowe,	Starin,
Belford,	Farr,	Marsh,	Stone,
Blake,	Felton,	Martin, Joseph J.	Thomas,
Boyd,	Ferdon,	McKinley,	Thompson, W. G.
Brewer,	Field,	Miles,	Townsend, Amos
Briggs,	Ford,	Mills,	Updegraff, J. T.
Brigham,	Fort,	Mitchell,	Updegraff, Thomas
Browne,	Frye,	Monroe,	Urner,
Burrows,	Garfield,	Myers,	Valentine,
Calkins,	Gillette,	Neal,	Van Aernam,
Camp,	Godshalk,	Norcross,	Van Voorhis,
Cannon,	Hall,	O'Neill,	Voorhis,
Carpenter,	Hammond, John	Orth,	Wait,
Caswell,	Harmer,	Overton,	Ward,
Chittenden,	Haskell,	Pacheco,	Weaver,
Conger,	Hawley,	Page,	Wilber,
Cowgill,	Hellman,	Pierce,	Williams, Thomas
Crapo,	Hiscock,	Pound,	Willits,
Culberson,	Horr,	Prescott,	Yocum.
Daggett,	Houk,	Price,	
Davis, George R.	Jones,	Reed,	

#### NAYS—114.

Aiken,	Elam,	Ladd,	Simonton,
Armfield,	Ellis,	Martin, Benj. F.	Singleton, J. W.
Atherton,	Evins,	Martin, Edward L.	Singleton, O. R.
Atkins,	Finley,	McKenzie,	Slemmons,
Beltzhoover,	Forney,	McLane,	Smith, Hezekiah B.
Bicknell,	Frost,	McMahon,	Smith, William E.
Blackburn,	Geddes,	McMillin,	Speer,
Bland,	Gibson,	Money,	Springer,
Bliss,	Goode,	Morrison,	Steele,
Blount,	Gunter,	Muldrow,	Talbot,
Bouck,	Hammond, N. J.	Muller,	Taylor,
Buckner,	Harris, John T.	Murch,	Thompson, P. B.
Cabell,	Hatch,	New,	Tillman,
Caldwell,	Henkle,	Nicholls,	Townsend, R. W.
Carlisle,	Henry,	Persons,	Tucker,
Chalmers,	Herbert,	Phelps,	Turner, Oscar
Clark, John B.	Herdon,	Philips,	Turner, Thomas
Cobb,	Hooker,	Phister,	Upson,
Coffroth,	Hostetler,	Poehler,	Vance,
Colerick,	House,	Reagan,	Waddill,
Cook,	Hull,	Richardson, J. S.	Warner,
Covett,	Hunton,	Richmond,	Wellborn,
Cox,	Hutchins,	Robertson,	Wells,
Cravens,	Johnston,	Ross,	Whiteaker,
Davidson,	Kenna,	Rothwell,	Whitthorne,
Davis, Joseph J.	Kimmel,	Ryon, John W.	Wise,
Davis, Lowndes H.	King,	Sawyer,	Wright.
De La Matyr,	Kitchin,	Scales,	
Dibrell,	Klotz,	Shelley,	

#### NOT VOTING—72.

Acklen,	Butterworth,	Ewing,	Humphrey,
Bachman,	Clafin,	Fisher,	Hurd,
Baker,	Clardy,	Forsythe,	James,
Barlow,	Clark, Alvah A.	Harris, Benj. W.	Jorgensen,
Beale,	Clymer,	Hawk,	Keffer,
Berry,	Converse,	Hayes,	Kelley,
Bingham,	Crowley,	Hazelton,	Knott,
Bowman,	Deuster,	Henderson,	Le Fevre,
Bragg,	Dick,	Hill,	Lewis,
Bright,	Dickey,	Hubbell,	Lounsbury,

Manning,
Mason,
McCoid,
McCook,
McGowan,
Miller,
Morse,
Morton,

Newberry,
O'Brien,
O'Connor,
O'Reilly,
Osmer,
Rice,
Robeson,
Robinson,

Russell, Daniel L.
Russell, W. A.
Samford,
Sparks,
Stephens,
Stevenson,
Tyler,
Washburn,

White,
Williams, C. G.
Willis,
Wilson,
Wood, Fernando
Wood, Walter A.
Young, Casey
Young, Thomas L.

Acklen,
Aldrich, N. W.
Bachman,
Barlow,
Beale,
Belford,
Berry,
Bingham,
Bragg,
Brewer,
Bright,
Butterworth,
Clafin,
Clardy,
Clark, Alvah A.
Clymer,
Converse,
Crowley,
Davidson,
Denster,
Dick,

Dickey,
Ewing,
Fisher,
Forsythe,
Harris, Benj. W.
Hawk,
Hayes,
Henderson,
Hill,
Hubbell,
Hurd,
Hutchins,
James,
Jorgensen,
Keifer,
Kimmel,
Knott,
Le Fevre,
Lewis,
Lounsbury,
Manning,

NOT VOTING—82.

Martin, Edward L.
Mason,
McCook,
McGowan,
McKinley,
Miller,
Money,
Morton,
Newberry,
O'Brien,
O'Neill,
O'Reilly,
Prescott,
Rice,
Robeson,
Robinson,
Ross,
Russell, Daniel L.
Russell, W. A.
Samford,
Sapp,
Sherwin,
Smith, Hezekiah B.
Sparks,
Starin,
Stephens,
Stevenson,
Stone,
Townsend, Amos
Tyler,
Washburn,
Wells,
White,
Williams, Thomas
Willis,
Willits,
Wilson,
Wood, Walter A.
Young, Casey
Young, Thomas L.

So the amendment was not agreed to.
The following pairs were announced:
Mr. CLYMER with Mr. HUBBELL.
Mr. O'BRIEN with Mr. STARIN.
Mr. LE FEVRE with Mr. MCCOOK.
Mr. ROBINSON with Mr. KNOTT.
Mr. SPARKS with Mr. WHITE.
Mr. HARRIS, of Massachusetts, with Mr. LEWIS.
Mr. CLARK, of New Jersey, with Mr. BUTTERWORTH.
Mr. DICK with Mr. O'REILLY.
Mr. HAYES with Mr. BACHMAN.
Mr. HILL with Mr. RICE.
Mr. BRAGG with Mr. JAMES.
Mr. WILLIS with Mr. CLAFIN.
Mr. BRIGHT with Mr. OSMER.
Mr. LOUNSBURY with Mr. FORSYTHE.
Mr. WILSON with Mr. MORTON.
Mr. RUSSELL, of Massachusetts, with Mr. CLARDY.
Mr. YOUNG, of Tennessee, with Mr. HENDERSON.
Mr. HAWK with Mr. STEVENSON for this day.
Mr. MANNING with Mr. KEIFER on all political questions.
Mr. BEALE with Mr. JORGENSEN on all political questions.

The result of the vote was then announced as above recorded.
The SPEAKER pro tempore, (Mr. SIMONTON in the chair.) The question recurs on the motion of the gentleman from Ohio [Mr. MCMAHON] that all general debate on the bill pending in Committee of the Whole be limited to five minutes.

Mr. CONGER. I move to amend by striking out "five minutes" and inserting "one hour and fifty minutes."

The question being taken on Mr. CONGER's amendment, there were—ayes 69, noes 93.

Mr. CONGER. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 46. So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 108, not voting 82; as follows:

YEAS—102.

Aldrich, William
Anderson,
Bailey,
Baker,
Ballou,
Barber,
Bayne,
Blake,
Bowman,
Boyd,
Briggs,
Brigham,
Browne,
Burrows,
Calkins,
Camp,
Cannon,
Carpenter,
Caswell,
Chittenden,
Conger,
Cowgill,
Crapo,
Culberson,
Daggett,
Davis, George R.

Davis, Horace
Deering,
Dunn,
Dunnell,
Dwight,
Einstein,
Errett,
Farr,
Felton,
Ferdon,
Field,
Ford,
Fort,
Frye,
Garfield,
Gillette,
Godshalk,
Hall,
Hammond, John
Harmer,
Haskell,
Hawley,
Hazelton,
Hellman,
Hiscock,
Horr,

Houk,
Humphrey,
Jones,
Joyce,
Kelley,
Ketcham,
Killinger,
Lapham,
Lindsey,
Loring,
Low,
Marsh,
Martin, Joseph J.
McCoid,
Miles,
Mills,
Mitchell,
Monroe,
Morse,
Myers,
Neal,
Norcross,
Orth,
Osmer,
Overton,
Pacheco,

Page,
Pierce,
Pound,
Price,
Reed,
Richardson, D. P.
Ryan, Thomas
Shallenberger,
Smith, A. Herr
Thomas,
Thompson, W. G.
Updegraff, J. T.
Updegraff, Thomas
Urner,
Valentine,
Van Aernam,
Van Voorhis,
Voorhis,
Wait,
Ward,
Weaver,
Wilber,
Williams, C. G.
Yocum.

NAYS—108.

Aiken,
Armfield,
Atherton,
Atkins,
Beltzhoover,
Bicknell,
Blackburn,
Bland,
Bliss,
Blount,
Bouck,
Buckner,
Cabell,
Caldwell,
Carlisle,
Chalmers,
Clark, John B.
Cobb,
Coffroth,
Colerick,
Cook,
Covert,
Cox,
Cravens,
Davis, Joseph J.
Davis, Lowndes H.
De La Matyr,

Dibrell,
Elam,
Ellis,
Ewins,
Finley,
Forney,
Frost,
Geddes,
Gibson,
Goode,
Gunter,
Hammond, N. J.
Harris, John T.
Hatch,
Henkle,
Henry,
Herbert,
Herndon,
Hooker,
Hostetler,
House,
Hull,
Hunton,
Johnston,
Kenna,
King,
Kitchin,

Klotz,
Ladd,
Martin, Benj. F.
McKenzie,
McLane,
McMahon,
McMillin,
Morrison,
Muldrow,
Muller,
Murch,
New,
Nicholls,
O'Connor,
Persons,
Phelps,
Phillips,
Phister,
Poehler,
Reagan,
Richardson, J. S.
Richmond,
Robertson,
Rothwell,
Ryon, John W.
Sawyer,
Scales,

Shelley,
Simonton,
Singleton, Jas. W.
Singleton, Otho R.
Slemmons,
Smith, William E.
Speer,
Springer,
Steele,
Talbot,
Taylor,
Thompson, P. B.
Tillman,
Townshend, R. W.
Tucker,
Turner, Oscar
Turner, Thomas
Upson,
Vance,
Waddill,
Warner,
Wellborn,
Whiteaker,
Whitthorne,
Wise,
Wood, Fernando
Wright.

So the amendment was not agreed to.
The following additional pair was announced:
Mr. WILLIAMS, of Alabama, with Mr. SAPP during this day.
The SPEAKER pro tempore. The question recurs on the motion of the gentleman from Ohio [Mr. MCMAHON] to limit general debate to five minutes.

Mr. CONGER. I move to amend that motion by inserting "one hour and forty minutes" in place of "five minutes;" and upon that I call for the yeas and nays. We may as well have them.

The yeas and nays were ordered.
The question was taken; and there were—yeas 97, nays 99, not voting 96; as follows:

YEAS—97.

Aldrich, William
Anderson,
Bailey,
Baker,
Ballou,
Barber,
Bayne,
Blake,
Boyd,
Brewer,
Briggs,
Brigham,
Browne,
Burrows,
Calkins,
Camp,
Cannon,
Carpenter,
Caswell,
Chittenden,
Conger,
Cowgill,
Culberson,
Daggett,
Davis, George R.

Davis, Horace
Deering,
Dunnell,
Dwight,
Einstein,
Errett,
Farr,
Felton,
Ferdon,
Field,
Ford,
Fort,
Frye,
Gillette,
Godshalk,
Hall,
Hammond, John
Haskell,
Hawley,
Hazelton,
Heilman,
Hiscock,
Horr,
Humphrey,

Joyce,
Kelley,
Ketcham,
Killinger,
Lapham,
Lindsey,
Loring,
Low,
Marsh,
Martin, Joseph J.
McCoid,
McKinley,
Miles,
Monroe,
Neal,
Norcross,
O'Neill,
Orth,
Overton,
Pierce,
Prescott,
Price,
Reed,
Richardson, D. P.
Russell, Daniel L.

Ryan, Thomas
Shallenberger,
Sherwin,
Smith, A. Herr
Starin,
Stono,
Thomas,
Thompson, W. G.
Townsend, Amos
Updegraff, J. T.
Updegraff, Thomas
Urner,
Valentine,
Van Aernam,
Van Voorhis,
Wait,
Ward,
Weaver,
Wilber,
Williams, C. G.
Willits,
Yocum.

NAYS—99.

Aiken,
Armfield,
Atherton,
Atkins,
Bicknell,
Blackburn,
Bland,
Bliss,
Blount,
Bouck,
Buckner,
Cabell,
Caldwell,
Chalmers,
Clark, John B.
Cobb,
Colerick,
Cook,
Covert,
Cravens,
Davidson,
Davis, Joseph J.
Davis, Lowndes H.
De La Matyr,
Deuster,

Dibrell,
Elam,
Ewins,
Finley,
Forney,
Frost,
Geddes,
Gibson,
Goode,
Hammond, N. J.
Harris, John T.
Hatch,
Henry,
Herbert,
Herndon,
Hooker,
Hostetler,
House,
Hull,
Hunton,
Hutchins,
Johnston,
Kenna,
King,
Kitchin,

Klotz,
Ladd,
McKenzie,
McMahon,
McMillin,
Money,
Morrison,
Gibson,
Murch,
Myers,
New,
Nicholls,
O'Connor,
Persons,
Phelps,
Phillips,
Phister,
Reagan,
Richardson, J. S.
Richmond,
Ross,
Rothwell,
Ryon, John W.
Sawyer,
Scales,

Shelley,
Simonton,
Singleton, J. W.
Singleton, O. R.
Smith, Hezekiah B.
Smith, William E.
Speer,
Springer,
Steele,
Taylor,
Thompson, P. B.
Tillman,
Townshend, R. W.
Turner, Oscar
Turner, Thomas
Upson,
Vance,
Waddill,
Warner,
Wellborn,
Whiteaker,
Whitthorne,
Wise,
Wright.

NOT VOTING—96.

Acklen,
Aldrich, N. W.
Bachman,
Barlow,
Beale,
Belford,
Berry,
Bingham,
Bragg,
Bright,
Butterworth,
Carlisle,
Clafin,
Clardy,
Clark, Alvah A.
Clymer,

Coffroth,
Converse,
Cox,
Crapo,
Crowley,
Dick,
Dickey,
Dunn,
Ellis,
Ewing,
Fisher,
Forsythe,
Garfield,
Gunter,
Harmer,
Harris, Benj. W.
Hawk,
Hayes,

Henderson,
Henkle,
Hill,
Hubbell,
Hurd,
James,
Jones,
Jorgensen,
Keifer,
Kimmel,
Knott,
Le Fevre,
Lewis,
Lounsbury,
Manning,
Martin, Benj. F.
Martin, Edward L.
Mason,

McCook,
McGowan,
McLane,
Miller,
Mills,
Mitchell,
Morse,
Morton,
Muldrow,
Newberry,
O'Brien,
O'Reilly,
Osmer,
Pacheco,
Page,
Poehler,
Pound,
Rice,

Robertson,	Slemens,	Tyler,	Willis,
Robeson,	Sparks,	Voorhis,	Wilson,
Robinson,	Stephens,	Washburn,	Wood, Fernando
Russell, W. A.	Stevenson,	Wells,	Wood, Walter A.
Samford,	Talbot,	White,	Young, Casey
Sapp,	Tucker,	Williams, Thomas	Young, Thomas L.

So the motion of Mr. CONGER was not agreed to.  
The following additional pairs were announced:  
Mr. WASHBURN with Mr. POEHLER for to-day, on all political questions, but not to break a quorum.

Mr. MCLANE with Mr. TYLER until Saturday next.  
Mr. HARMER with Mr. ELLIS.  
Mr. CONGER. Mr. Speaker—  
The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Ohio [Mr. MCMAHON] to limit debate to five minutes.

Mr. MCMAHON. The sense of the House, I think, has been sufficiently tested to warrant me in demanding, as I now do, the previous question on my motion in regard to limiting debate.

Mr. CONGER. I call the attention of the Chair—  
Mr. MCMAHON. I decline to yield the floor, but demand the previous question on my resolution.

Mr. CONGER. I addressed the Chair before the gentleman from Ohio did.

The SPEAKER *pro tempore*. The Chair recognized the gentleman from Ohio, he having charge of the bill to which his motion relates.

Mr. MCMAHON. I insist upon my motion.  
The SPEAKER *pro tempore*. The gentleman will state it again.

Mr. MCMAHON. I demand the previous question on my pending motion that all debate upon the immediate deficiency bill in Committee of the Whole be limited to five minutes. I refuse to yield for amendments to that motion, or for any other purpose, and insist upon the House coming now to a direct vote on the proposition.

The question was taken upon seconding the demand for the previous question; and upon a division there were—ayes 79, noes 4.

Mr. CONGER. No quorum has voted.  
Tellers were ordered; and Mr. CAMP and Mr. MCMAHON were appointed.

The House again divided; and the tellers reported ayes 93, noes none.

Mr. CONGER. No quorum has voted.  
The SPEAKER *pro tempore*. The point of order having been made that no quorum has voted, the only motions now in order are a motion to adjourn and for a call of the House.

Mr. LOWE. If in order I move to refer this matter to a committee on common sense with instructions to report immediately. [Laughter.]

Mr. REED. That would be a partisan committee—all from this side. [Laughter.]

Mr. EINSTEIN. I would ask the other side of the House not to follow the lead of their brethren at Syracuse yesterday; but to accept the olive branch which has been held out to them.

Mr. MCMAHON. I offered the olive branch yesterday, but gentlemen on the other side would not accept it on account of it excluding their leader.

Mr. EINSTEIN. We will take care of our leader ourselves.  
Mr. HUMPHREY. What is the proposition now?

Mr. MCMAHON. I have no proposition.  
Mr. CONGER. I sincerely hope the gentleman from Ohio [Mr. MCMAHON] having charge of this bill will not forget our friends on the ice in the Arctic region. [Laughter.] Yesterday they were suffering very much, and our sympathies were excited beyond all calculation.

The SPEAKER *pro tempore*. Discussion is not now in order.  
Mr. MCMAHON. Gentlemen upon the other side have refused to vote or to allow business to proceed. If they are willing to take that responsibility they can do so.

Mr. HISCOCK. And our friends on the other side rather than allow an hour for debate have wasted two days of the time of the House.

Mr. EINSTEIN. Is there anything so wrong in this bill that we cannot be allowed to debate it for one hour?

The SPEAKER *pro tempore*. That is not a question for the Chair to determine.

Mr. CHITTENDEN. I would like to inquire if the motion of the gentleman from Alabama [Mr. LOWE] is debatable?

The SPEAKER *pro tempore*. The motion of the gentleman from Alabama is not in order.

Mr. CHITTENDEN. I understood him to move that this matter be referred to a committee on common sense. Is that debatable?

The SPEAKER *pro tempore*. That motion is not in order.

Mr. CONGER. As the previous question has not been seconded, I move that the time for debate be made one hour and thirty minutes.

Mr. MCMAHON. I raise a point of order on that motion.

The SPEAKER *pro tempore*. That motion is not in order pending the point of order that no quorum voted on seconding the demand for the previous question.

Mr. CONGER. Was that demand seconded?  
The SPEAKER *pro tempore*. It was not.

Mr. CONGER. Therefore, it not being seconded, it is in order for me to make my motion, and I now move that there be an hour and thirty minutes for debate.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. CONGER] made the point of order that no quorum voted; and no motion is now in order except a motion to adjourn or a motion for a call of the House.

Mr. CONGER. I asked the Chair if the previous question was seconded, and the Chair said it was not. If not, then my motion is in order.

The SPEAKER *pro tempore*. Does the gentleman withdraw his point of order that there was no quorum voting?

Mr. CONGER. Not at all.  
The SPEAKER *pro tempore*. Then no motion is in order except for a call of the House or to adjourn.

Mr. CONGER. Do I understand the Chair to say that the previous question is seconded?

The SPEAKER *pro tempore*. Certainly not.

Mr. CONGER. Then I move to make the time for debate an hour and thirty minutes.

Mr. HUTCHINS. Is debate in order?  
The SPEAKER *pro tempore*. It is not.

Mr. HUTCHINS. Then I call the gentleman from Michigan to order.  
Mr. CONGER. I suppose that seats me without any action of the House. [Laughter.]

Mr. HUTCHINS. I call the gentleman from Michigan to order.  
Mr. CONGER. That seats me without any action of the House.

Mr. HUTCHINS. Order. [Laughter.]  
The SPEAKER. The gentleman from Michigan [Mr. CONGER] made the point of order himself that no quorum voted.

Mr. CONGER. Yes, sir; and the then occupant of the chair stated that the previous question was not seconded.

The SPEAKER. And the occupant of the chair stated correctly, that it was not seconded, because a quorum had not voted.

Mr. CONGER. There was no qualification in the statement of the then occupant of the chair, and I was proceeding strictly on parliamentary grounds.

The SPEAKER. The pending question is on seconding the motion for the previous question. Does the gentleman from Michigan still insist upon the point of order that no quorum has voted?

Mr. CONGER. Yes, sir.  
Mr. REAGAN. I move a call of the House.

A call of the House was ordered, fifteen members voting in favor thereof.

The roll was called, when the following members failed to answer:

Acklen,	Dickey,	Lounsbury,	Samford,
Bachman,	Ellis,	Manning,	Sapp,
Barlow,	Fisher,	Mason,	Sparks,
Bingham,	Forsythe,	McGowan,	Starin,
Brewer,	Gibson,	McLane,	Stephens,
Bright,	Gillette,	Miller,	Tucker,
Butterworth,	Harris, Benj. W.	Mills,	Tyler,
Calkins,	Hawk,	Mitchell,	Upson,
Carlisle,	Hayes,	Money,	Voorhis,
Claffin,	Hill,	Morton,	Washburn,
Clardy,	Hubbell,	Murch,	Wellborn,
Clark, Alvah A.	Hurd,	Newberry,	White,
Clymer,	James,	O'Brien,	Wood, Walter A.
Coffroth,	Jorgensen,	O'Reilly,	Young, Casey
Crapo,	Keifer,	Osmer,	Young, Thomas L.
Crowley,	Knott,	Pacheco,	
Deuster,	Le Fevre,	Rice,	
Dick,	Lewis,	Robeson,	

The SPEAKER. On this call 224 members have answered to their names.

Mr. HERBERT. In explanation of the absence of my colleague, [Mr. LEWIS,] I desire to state that he is confined to his room by sickness.

Mr. MCMAHON. I move that further proceedings under the call be dispensed with.

The motion was agreed to.  
The SPEAKER. The question recurs on seconding the demand for the previous question.

The question being taken, there were ayes 71, noes none.

Mr. CONGER. No quorum!  
Tellers were ordered; and Mr. MCMAHON and Mr. CAMP were appointed.

The House divided; and the tellers reported 65 in the affirmative, 1 in the negative.

Mr. CONGER. I make the point of order that no quorum has voted.

Mr. PAGE. I ask unanimous consent that the gentleman from Maine may now proceed to make his remarks on this subject.

Mr. MCMAHON. We prefer to wait for a quorum, so that the gentleman may have a full House.

Mr. WILBER. If we cannot proceed with other business, we may as well hear him.

ENROLLED BILLS SIGNED.

Mr. KENNA, by unanimous consent, reported that the Committee on Enrolled Bills had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883.

## NAVAL APPROPRIATION BILL.

Mr. ATKINS, by unanimous consent, reported back, from the Committee on Appropriations, the bill (H. R. No. 5626) making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes, and moved that the same be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GARFIELD. I reserve all points of order on the bill.  
The motion of Mr. ATKINS was agreed to.

## SUBSIDIARY COIN IN THE MAILS.

Mr. WARNER. I ask unanimous consent to report from the Committee on Coinage, Weights, and Measures a joint resolution (H. R. No. 275) authorizing the Secretary of the Treasury to transmit subsidiary coin through the mails—

Mr. CONGER. I call for the regular order.

## IMMEDIATE DEFICIENCY BILL.

Mr. McMAHON. As gentlemen on the other side are unwilling to proceed with the public business—

Mr. CONGER. I call the gentleman to order. His language is insulting and untrue.

Mr. McMAHON. It may be insulting, but it is very true.

The SPEAKER. The Chair wants to state that this character of language must henceforth cease.

Mr. CONGER. Yes, sir; I thank the Chair for rebuking it.

Mr. McMAHON. I think the rebuke is over there. I desire to repeat what I said. As gentlemen on the other side are not disposed to vote and do not vote—[cries of "Order!"]—my language is in order and I do not propose to be corrected upon it—and are obstructing the public business by declining to vote, after having given them two days—

Mr. WILBER. I call the gentleman to order.

Mr. McMAHON. Let my words be taken down if they are out of order. That is the way to test it.

The SPEAKER. The gentleman will proceed.

Mr. CONGER. I submit that debate is not in order.

The SPEAKER. The Chair understood that the gentleman from Ohio was trying to reach an arrangement of some sort.

Mr. WILBER. But he has no right to state that we are obstructing public business when he brings forward bills which he dare not discuss.

Mr. McMAHON. Allow me to finish my sentence. I will begin it over again, as it pertains to the business of the House. As gentlemen on the other side have declined uniformly to vote when the public business would be accelerated and helped, I withdraw both the motions I have made.

The SPEAKER. The gentleman from Ohio withdraws his motion.

Mr. McMAHON. If there is anything out of order in that, take it down and try it.

## SPEAKER'S TABLE.

Mr. SPRINGER. I move the House go to the Speaker's table for the purpose of referring certain bills there.

Mr. BLOUNT. Cannot we take up an election case and try that awhile?

Mr. SPRINGER. We will after awhile. I now move to go to the business upon the Speaker's table.

Mr. BLOUNT. I am ready to vote with you now on an election case.

Mr. CONGER. I make the point of order that the motion is not in order until after the morning hour.

The SPEAKER. The morning hour to-day has been dispensed with.

Mr. CONGER. Then there is no morning hour to-day, and the motion is not in order to go to the business on the Speaker's table until after the morning hour. The Chair has ruled that so many times—

The SPEAKER. Will the gentleman point out when he ever so ruled?

Mr. CONGER. Has the Chair forgotten?

The SPEAKER. The gentleman has no right to make statements unless he can substantiate them.

Mr. CONGER. That is my understanding of the ruling of the Chair.

The SPEAKER. The Chair recollects no such ruling. The gentleman from Michigan will be kind enough to refer to it if he knows of any such ruling, or else not make the statement.

Mr. SPRINGER. If that point of order were well taken there could be no other business done, because all other business must come up after the morning hour, and when you dispense with the morning hour, according to the gentleman's idea, that dispenses with all other business.

Mr. HARRIS, of Virginia. I give notice that if we go to the business on the Speaker's table I shall call up for action my resolution providing for the daily hour of meeting of the House at eleven o'clock a. m. instead of twelve m.

The SPEAKER. That resolution is upon the Speaker's table.

Mr. HARRIS, of Virginia. So I understand.

The SPEAKER. The Clerk will read clauses 3 and 4 of Rule XXIV, controlling the disposal of business upon the Speaker's table.

The Clerk read as follows:

3. The morning hour for the call of committees shall not be dispensed with except by a vote of two-thirds of those present and voting thereon.

4. After the hour shall have been devoted to reports from committees, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

Mr. SPRINGER's motion was agreed to.

## LIBRARY BUILDING, FORT MONROE, VIRGINIA.

The first business on the Speaker's table was a letter from the Secretary of War, transmitting plans, &c., for library building at Fort Monroe, Virginia; which was referred to the Committee on Appropriations.

## ADDITIONAL COPIES OF BILLS AND DOCUMENTS.

The next business on the Speaker's table was the joint resolution (H. R. No. 179) authorizing the Public Printer to print additional copies of bills and other public documents, returned from the Senate with amendments; which, on motion of Mr. SPRINGER, was referred to the Committee on Printing.

## CHARLES OLIVIER DUCLOZEL.

The next business on the Speaker's table was the bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana, returned from the Senate with amendments; which, on motion of Mr. SPRINGER, was referred to the Committee on Private Land Claims.

## HOT SPRINGS, ARKANSAS.

The next business on the Speaker's table was the bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes, returned from the Senate with a substitute.

Mr. CRAVENS. I move that the Senate substitute be concurred in.

Mr. CONGER. Let it be read.

The Clerk read as follows:

SEC. 1. That any person, his heirs or legal representatives, in whose favor the commissioners appointed under the acts of Congress of 1877 and 1878 relative to the Hot Springs of Arkansas have adjudicated, shall have the sole right to enter and pay for the amount of land the commissioners may have adjudged him entitled to purchase, within twelve months next after the expiration of the notice required by the tenth section of the act of Congress of March 3, 1877, to be given by paying to the receiver of public moneys at the land office in Little Rock, Arkansas, 50 per cent. of the assessed value of said lands, as placed thereon by said commissioners; and that such assessments be reduced to that extent; and that in any cases where any church or church association has been adjudged entitled to purchase land it may do so by paying \$5 per lot.

SEC. 2. That the certificates issued for condemned buildings by said commissioners be made receivable for the amounts named therein as so many dollars lawful money of the United States in the entry and purchase of the lands that may be sold in the Hot Springs reservation; and that such certificates be assignable, and when assigned in the presence of two subscribing witnesses, or the execution of the assignment thereof shall have been acknowledged before a court of record or clerk thereof, the land offices in like manner shall receive them from the assignee in payment of land purchased for himself or others; and in case the amount of the certificate presented and received at such land office shall exceed that necessary to make the purchase and entry desired, there shall be executed by the register and receiver, and delivered to the person from whom the same is received, a certificate giving the number of the original, the date and amount thereof, the balance due such person thereon, and the certificate thus issued shall be assignable and receivable in like manner as the original; and in all cases where such certificates are issued, the register of the land office shall certify on the original certificate taken up the number of the lots purchased therewith and the price thereof.

SEC. 3. That those divisions of the Hot Springs reservation, known as the mountainous districts, not divided by streets on the map made by the commissioners, but known and defined on the map and in the report of the commissioners as North Mountain, West Mountain, and Sugar Loaf Mountain, be, and the same are hereby, forever reserved from sale, and dedicated to public use as parks, to be known, with Hot Springs Mountain, as the permanent reservation.

SEC. 4. That whenever the town of Hot Springs shall procure elsewhere a suitable burying-ground and shall cause the bodies now buried in the cemetery lot, within the limits of said town, to be decently removed and interred, the title to said cemetery lot shall vest in the corporation of said town, to be held and used forever as a town or city park, and not otherwise.

SEC. 5. That the Secretary of the Interior is hereby authorized to designate six lots from the unwarded grounds on the Hot Springs reservation for the use of the common schools of the corporation of the town of Hot Springs as sites for school-houses; and the lots when so designated are hereby dedicated to the use of common schools, and shall be used, controlled, and managed by the common-school officials of the district in which they may be located for such purposes only. And the Secretary of the Interior is also authorized to convey to the Baptist church of Hot Springs, whose church edifice was destroyed by fire, a suitable lot of ground, not exceeding one-eighth of an acre, from that portion of the Hot Springs reservation laid off into lots and blocks and forming part of the town site, but not awarded to any claimant and not otherwise disposed of by this act; said conveyance to be on consideration of the payment of a sum equal to \$10 per acre for said lot.

SEC. 6. That the streets, courts, and alleys, and other thoroughfares of the town of Hot Springs, as surveyed, opened, or established by the commissioners and represented on the map of said town, and not included in the permanent reservation, be, and the same are hereby, ceded to the corporation of the town of Hot Springs for public use.

SEC. 7. That that portion of the Hot Springs reservation laid off into lots and blocks and forming part of the town site, but not awarded to any claimants, and not otherwise disposed of or reserved by this act, shall be sold at public auction to the highest bidder, at not less than its appraised value, to be made from time to time, at the discretion and under the direction of the Secretary of the Interior, and after public notice in the usual way in the sale of public lands; and the money arising from said sales, as well as any money paid in under section 1 of this act, shall be held as a special fund for the improvement and care of the permanent reservation at Hot Springs and of the Hot Springs Creek adjacent to and between the permanent reservations, and for the maintenance of free baths for the invalid poor of the United States, as provided by acts of Congress.

The SPEAKER. The sections upon which the point of order is raised by the gentleman from Michigan will be read.

The bill was again read.

The SPEAKER. The Chair thinks if this is an amendment of the Senate to the House bill, separate and distinct in its character from

anything that was adopted by the House, Rule XX would apply to it. The Chair will cause the rule to be read.

The Clerk read as follows:

RULE XX.

OF AMENDMENTS OF THE SENATE.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

The SPEAKER. The Chair will now cause to be read the third clause of the twenty-third rule.

The Clerk read as follows:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. CRAVENS. If the Speaker will allow me, I wish to state, as I understand, the rules of the House which have just been read do not apply to this bill; in other words, that it is not subject to the point of order raised by the gentleman from Michigan.

The SPEAKER. The Chair will ask the gentleman from Arkansas if this bill proposes to part with any property of the United States?

Mr. CRAVENS. Yes, sir; but the original bill also, which was considered in the Committee of the Whole here and passed by the House, provided the same thing, and the effect of the Senate bill will only be to bring more money into the Treasury than would have been received into it under the House bill. For that reason I do not think it is subject to the point of order. For instance, the original bill provided that the lots which were awarded to the residents of the town of Hot Springs might be entered and valid titles obtained therefor on payment of a fee amounting to \$10 on each lot. These lots are valued at \$1,500, and this Senate bill provides that they shall be entered at one-half of their value; that is \$750 instead of \$10, as was provided in the House bill.

The SPEAKER. The Chair understands the gentleman to state that this bill was considered in Committee of the Whole House on the state of the Union.

Mr. CRAVENS. Yes, sir.

The SPEAKER. And when it was so considered in the House a provision was inserted parting with certain property of the United States, and the Senate amendment added thereto is simply changing the general feature of the bill in that respect; but leaving that provision, namely, parting with the property of the United States, as it was in the House bill?

Mr. CRAVENS. Yes, sir.

Mr. CONGER. But the House bill did not give away the property of the United States for church purposes or for school purposes. This bill, of course, originated in the House, and was considered in the Committee of the Whole; but these propositions were not contained in the House bill, as I understand.

Mr. CHALMERS. The amendment of the Senate adds to the amount to be paid into the public Treasury instead of taking away anything from it.

Mr. WARNER. It will add about \$100,000 more to the Treasury than the House bill.

Mr. CHALMERS. It adds very largely to the amount to be derived from this property.

Mr. CONGER. The question is not as to the amount to be derived from the property but whether it disposes of any property of the United States.

The SPEAKER. The Senate amendment seems to have stricken out everything in the House bill after the enacting clause, and the gentleman from Michigan states that the amended bill proposes to part with certain property of the United States for church or school purposes, which provision was not contained in the original bill.

Mr. CRAVENS. But it does not change the House bill.

Mr. CHALMERS. I understand that it is not the fact that this Senate bill parts with the property of the United States.

The SPEAKER. The gentleman from Michigan has so stated.

Mr. CONGER. This Senate bill proposes to part with certain property for church and school purposes. Now, according to my understanding, there was no such provision in the House bill which was considered in the Committee of the Whole. I do not of course mean to be understood as making objection to giving the property for such purposes, but I make the point of order simply that this disposes with property of the United States—this substitute for the House bill—and therefore that it should have its first consideration in the Committee of the Whole.

The SPEAKER. If this was a new bill it would be subject of course to the point of order, that is to say if such bill had originated in the House. The Chair thinks under the combined provisions of the two rules which have been read, and if it is true that this is a substitute for the House bill containing propositions different in reference to the disposition of this property from those contained in the House bill, that it would be subject to the point of order.

Mr. CRAVENS. The provisions of the bill are nearly identical with the original bill in the House. I may say that they are identical in all the particulars excepting as to how these parties to whom

the lots were awarded and the amount they should pay into the Treasury for them.

The House bill provided that they should pay, as I have already stated, \$10 a lot, while this bill provides they shall pay half of the valuation of the property, and the only difference is that in the House bill the amount received into the Treasury from this source would not have exceeded \$20,000, while under this provision of the Senate bill \$120,000 will be received.

Mr. CONGER. But that is to be paid for in some kind of scrip issued by the commissioners, and will not be paid in the money of the United States.

Mr. CRAVENS. That is only partly true, because there will be money to a greater or less extent received for that property.

Mr. CONGER. But the Government will receive the scrip certificates instead of the money.

The SPEAKER. The gentleman from Arkansas explains that the general provisions of the bill are identical with the House bill. The difference is as to the amount of money to be paid for these lots in the town of Hot Springs.

Mr. CRAVENS. That is it.

Mr. CONGER. Does the gentleman from Arkansas [Mr. CRAVENS] state there was a provision in the House bill for giving lots to different institutions?

Mr. CRAVENS. Yes, sir.

Mr. CONGER. To the churches and to the schools?

Mr. CRAVENS. I understand the gentleman's point now. There is only this difference in that respect. In this bill there is provision made that the Secretary of the Interior may designate the lot for a church.

Mr. CONGER. Was that in the House bill?

Mr. CRAVENS. No, sir; but with that exception it is identical.

Mr. CONGER. That is the point of my inquiry. That, of course, carries it to the Committee of the Whole.

Mr. CRAVENS. I hope the gentleman from Michigan will withdraw his point of order.

Mr. CONGER. I desire to see this bill in print and to have an opportunity of examining it. There is a great deal of diversity of opinion as to what should be in the bill; and it seems to me this House in disposing of a large portion of the public property or remitting one-half or nine-tenths of the amount required by the present law to be paid for it should know what the bill is. I may have no objection to passing the Senate bill when I understand it, but I desire to see what it is.

Mr. SPRINGER. I desire to say one word on the point of order. If the House will examine the Senate amendment it will be found to be introduced as follows:

*Resolved*, That the bill of the House of Representatives (H. R. No. 4244) entitled "An act for the establishment of titles in Hot Springs, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert, &c.

The SPEAKER. Is the title changed?

Mr. CRAVENS. No, sir.

Mr. SPRINGER. Now, this under all parliamentary rules is a new bill. There may be many of the provisions incorporated in this bill that passed the House, but this bill cannot be considered as having ever been considered in the House, because it is now presented to the House in this shape for the first time; in the shape, namely, of striking out all of our bill and inserting this bill. What is in this bill I do not know. But I do know under the rules of the House, which ought to be observed, this bill is subject to the point of order, and we ought not to make the precedent here of going to examine the terms of these bills in the House to see whether some of them may be the same as those of another bill or not.

When the Senate send us an entirely new bill and ask us to concur with them in their amendment, we have the right and ought to apply the rule to it, if the point of order is made, that that bill shall take the course which the rule indicates, and go to the Committee of the Whole on the state of the Union; because in the parliamentary sense, and our rules speak in a parliamentary sense, this bill has never been passed or considered by the House in this shape.

I have no objection to the measure, so far as that is concerned; but I do insist this rule should not be violated at this early stage of its operation, because it was made for a wholesome purpose, and if departed from now it will be simply a nullity hereafter.

Mr. CRAVENS. I do not profess to be a parliamentarian, but I do not think the position of the gentleman from Illinois is correct. I would like to see the authority on which he relies.

Mr. SPRINGER. In a parliamentary sense we have never considered one line of that bill. It is all new matter, and we are asked to enact it in that shape.

Mr. CRAVENS. In so many words, it is represented to be an amendment. It is an amendment, and only an amendment, in the particulars I have mentioned, of the bill which passed the House.

Mr. SPRINGER. I hope the gentleman from Michigan will withdraw the point of order. But the point of order having been made, to rule otherwise would be to annul one of the new rules of the House which I think is a very good one.

Mr. CRAVENS. I wish to state in addition that the land office is now open for the entry of these lands. This bill has been carefully considered by the Senate, and every objection which was heard in

this House when it was here for consideration is cured by this amendment.

Mr. CONGER. We cannot discuss the merits of the bill now. But there were very strong objections to the House bill, and the friends of the House bill asserted it was as perfect as it could be made according to their views. Now it has gone to the Senate, and I can see a very different bill has been passed there. If this meets the views of the gentlemen who desired the passage of the other bill it is possible it may still be improved in one direction or another. I do not know how that may be; but I think the House ought to look into the bill carefully. There is a large amount of property and there are large individual rights involved in the decision of this question. Congress went to the expense of appointing a commission whose action it was expected would be final and satisfactory.

Mr. BUCKNER. Is debate in order?

The SPEAKER. It is in order on the point of order, not on the merits of the bill.

Mr. CONGER. A bill is brought here to change entirely the report of the commission and the law as it was. Let it go to the Committee of the Whole on the state of the Union, and if on examination it is found to be right, then let it pass.

The SPEAKER. The Chair is of opinion that in a parliamentary sense this is not a new bill. It has the same title and the same number that it had when it passed the House.

Mr. CONGER. I did not make the point that it was a new bill.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] made the point that it was a new bill.

Mr. SPRINGER. I meant that the subject-matter of the bill was new.

The SPEAKER. The amendment of the Senate relates generally to the subject-matter of the bill as passed by the House. The point of order is made, however, that the amendment of the Senate in one of its provisions proposes to part with the property of the United States for an entirely different object from that proposed by the bill as it passed the House. It may be that that amendment is subject to that point of order.

Mr. DUNN. I do not know what different disposition the amendment of the Senate makes of the property from that made by the House bill, except as to the price charged.

The SPEAKER. The Chair understood the gentleman from Michigan [Mr. CONGER] to state, and the gentleman from Arkansas in charge of the bill [Mr. CRAVENS] admitted the statement to be correct, that by the Senate amendment property of the United States is given for a different purpose from any purpose in the House bill.

Mr. CRAVENS. I will state for the information of gentlemen that the Senate amendment does propose to give some land to a church.

Mr. REAGAN. I understand that property is not given away, but reserved from public sale.

Mr. DUNN. By the original bill land is given for school purposes.

Mr. CONVERSE. In order to cut this matter short I would suggest that the bill remain upon the Speaker's table and be printed.

The SPEAKER. In that way it would lose none of its advantages.

Mr. SPRINGER. We cannot tell whether the amendment of the Senate comes within the new rule until we can compare it with the original bill.

Mr. CONGER. I would have no objection to its being referred to the Committee on the Public Lands.

The SPEAKER. The Chair understands that the gentleman from Arkansas [Mr. CRAVENS] would prefer to have it remain on the Speaker's table to being referred to the Committee on the Public Lands.

Mr. CONGER. Very well; I have no objection to that.

Mr. CRAVENS. I will ask that it be allowed to remain upon the Speaker's table and be printed.

There was no objection, and it was so ordered.

#### HEALTH ORDINANCES OF THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the joint resolution of the House No. 189, legalizing the health ordinances and regulations for the District of Columbia, returned from the Senate with an amendment.

Mr. SPRINGER. I move that that resolution and amendment be referred to the Committee on the District of Columbia.

Mr. NEAL. I will say that it is the desire of the Committee on the District of Columbia that the amendment of the Senate be concurred in.

Mr. SPRINGER. Very well, I will withdraw my motion then.

The SPEAKER. The amendment of the Senate will be read.

The amendment was to strike out all after the resolving clause and to insert in lieu thereof the following:

That the ordinances of the late board of health of the District of Columbia, as revised, amended, and adopted, November 19, 1875, entitled "An ordinance to revise, consolidate, and amend the ordinances of the board of health, to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof," as printed in the report of said late board of health made to the first session of the Forty-fourth Congress, being Executive Document No. 1, part 8, be, and the same are hereby, legalized; and the respective penalties therein prescribed for violations thereof may be imposed and enforced for the respective offenses therein described, excepting the sections of said ordinance following, namely, sections 7, 9, and 14, which said sections are not hereby legalized.

Sec. 2. That the ordinances, rules, and regulations of said late board of health contained in the report mentioned in the preceding section, and printed in the said executive document therein mentioned, namely:

First. "An ordinance to amend an ordinance to prevent domestic animals from

running at large within the cities of Washington and Georgetown, passed by the board of health May 19, 1871."

Second. "An ordinance to prevent the sale of unwholesome food in the cities of Washington and Georgetown."

Third. "An ordinance to provide for the inspection of streets, food, live stock, fish and other marine products, in the cities of Washington and Georgetown, and to define the duties of inspectors and other officers of the board of health."

Fourth. "An ordinance to amend section 10 of the code, so as to read,"

Fifth. "An ordinance to amend an ordinance passed May 13, 1873, to read as follows,"

Sixth. "An ordinance to prevent committing or creating nuisances in or about public urinal or urinals located within the cities of Washington and Georgetown;"

Seventh. "Rules and regulations in regard to small-pox;"

Eighth. "Regulations to secure a full and correct record of vital statistics, including the registration of marriages, births, and deaths, the interment, disinterment, and removal of the dead in the District of Columbia,"

be, and the same are hereby, legalized and made valid; and the penalties therein provided respectively for violations thereof, may be imposed and enforced for the violations of the same respectively, as provided by section 27 of the ordinance passed November 21, 1875.

The amendment of the Senate was concurred in.

Mr. NEAL 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.

#### DAILY HOUR OF MEETING.

Mr. HARRIS, of Virginia. At this point I desire to raise a question of order in regard to the position of a resolution offered by myself last week in regard to the daily hour of meeting. In the RECORD of yesterday's proceedings I find the following:

Mr. BUCKNER. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That on and after Wednesday next, until otherwise ordered, the hour of daily meeting of the House be eleven o'clock a. m.

Mr. FERNANDO WOOD. I object.

Mr. GARFIELD. Is not that a privileged question?

The SPEAKER. It is not a privileged question for consideration at this time. It may be a question of privilege to introduce such a resolution, but if introduced the Chair thinks there is no place for it except perhaps the Speaker's table.

Mr. GARFIELD. I hope the gentleman will introduce it and let it go to the Speaker's table, where we may be able to reach it some time. If we are to get through before the dog days we must begin our daily sessions before twelve o'clock.

The SPEAKER. Upon reflection the Chair recollects that there is a resolution of this nature already on the Speaker's table, introduced by the gentleman from Virginia, [Mr. HARRIS.]

The SPEAKER. Was that the Speaker or the Speaker *pro tempore*?

Mr. HARRIS, of Virginia. It is my recollection that it was the Speaker who then occupied the chair.

The SPEAKER. The Chair thinks that Mr. CARLISLE, of Kentucky, while acting as Speaker made a ruling on the same subject in harmony with the ruling of the present occupant of the chair.

Mr. HARRIS, of Virginia. The gentleman from Kentucky ruled that the resolution which I offered was not a privileged resolution for consideration, but that it was privileged for introduction. The present occupant of the chair went farther and said that the resolution went to the Speaker's table.

The SPEAKER. In the opinion of the Chair it could go nowhere else. It could not go to the table of the House, for that is the place for bills, &c., which have been reported adversely and go there as rejected bills and propositions.

Mr. HARRIS, of Virginia. Then the question I now propound is, ought not that resolution to take precedence over other matters which have come in since?

The SPEAKER. The rule is silent as to such propositions; but the Chair will recognize the gentleman to state his proposition.

Mr. REAGAN. I trust it will not be assumed that a proposition not reported by a committee but introduced by an individual member and placed on the Speaker's table ought to take rank along with resolutions or bills reported by committees and regularly on the table.

The SPEAKER. If the rule is insisted on, the order of the rule as to disposing of business on the Speaker's table must be adhered to, and this resolution as to the hour of meeting will come up after.

Mr. REAGAN. I shall insist on anything that will prevent the adoption of this proposition at the present time. A number of committees have work before them which requires their whole time. Some of them are obliged to meet both mornings and evenings. It is too early yet to adopt this proposition.

The SPEAKER. Yet the House, in the opinion of the Chair, ought to have some way to say at what hour it will meet.

Mr. HARRIS, of Virginia. At what time does my friend's committee meet in the morning?

Mr. REAGAN. At half past nine o'clock.

Mr. HARRIS, of Virginia. That is a good hour.

Mr. REAGAN. Sometimes at nine o'clock, and often in the evenings.

Mr. HARRIS, of Virginia. I desire to test the sense of the House on this proposition; and I think that a question touching the hour of meeting ought to be a question of the highest privilege, whether it is or not. If the House desires to meet at a certain hour it ought to have the privilege of saying so.

Mr. FINLEY. If this proposition requires unanimous consent, I object. I concur with the gentleman from Texas, [Mr. REAGAN.]

Mr. HARRIS, of Virginia. I ask for a vote on the proposition I have submitted.



Mr. REAGAN. I submit that any proposition covering this question ought to come from the Committee on Rules.

Mr. CONGER. The twenty-eighth rule provides the manner of changing any standing rule of the House. It is now a standing rule that we meet at twelve o'clock.

Mr. FINLEY. Is not this proposition subject to the point of order that it can only be adopted by a two-thirds vote?

The SPEAKER. The Chair, when this proposition was introduced, entertained it as in the nature of a notice. Now the proposition itself must go somewhere. It could not go to either of the calendars; it could not go upon the table of the House. It naturally could go to no other place than the Speaker's table.

Mr. CONGER. Would it not naturally go to the Committee on Rules?

The SPEAKER. That would be by motion. It did not go there. It could, of course, have been sent by a vote of the House. But the Committee on Rules could not bring it back except when called.

Mr. HARRIS, of Virginia. When this proposition was introduced by me the Chair decided that it might be introduced as one day's notice to change a rule of the House, as required under the rules. I gave that notice. It should be held as a notice to change the existing rule as to the hour of meeting. Hence that part of the rules has been complied with.

The SPEAKER. The part of the rule which relates to notice has clearly been complied with; and the Chair is of opinion that the House in some way should have the right to fix the time of the daily meeting.

Mr. MILLS. Is not this resolution in the same condition as the resolution which I offered some time ago, providing for regular night sessions, which the Chair certainly ruled was not in order?

The SPEAKER. The Chair has not said that this was in order, to be introduced and acted upon immediately upon introduction. The Chair has heretofore said that a proposition of this kind should go to the Speaker's table; and the gentleman from Virginia raises the point of order that the House being engaged on business upon the Speaker's table, it has the right under the former ruling to take up and consider this resolution, and that it should have precedence.

Mr. FINLEY. Allow me to inquire whether the rule of the House prescribing the manner in which a standing rule must be changed would not apply in this case as in any other?

The SPEAKER. This is an order of the House as to its hour of meeting.

Mr. FINLEY. But it occurs to me it is necessary to change it by the same process that is applicable in the case of any other rule.

Mr. REAGAN. It seems to me that technically this resolution ought not to go on the Speaker's table, because—

The SPEAKER. Where would it go?

Mr. HOOKER. To the Committee on Rules.

Mr. REAGAN. It ought to be referred I think; and if the Chair will entertain the motion now, I will move to refer it to the Committee on Ways and Means.

The SPEAKER. That motion is in order if the order is taken from the Speaker's table for consideration.

Mr. CHALMERS. My point of order is this: under Rule XXVIII this is a motion to change a standing rule.

The SPEAKER. The gentleman means a standing order.

Mr. CHALMERS. The rule is:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month.

This is a motion to change the rules.

The SPEAKER. The Chair thinks this is what is termed an order of the House.

Mr. CHALMERS. And it requires two-thirds to pass it. I make the point it cannot be entertained except on Monday.

The SPEAKER. The Chair thinks this is an order of the House, and not a rule. The latter part of the rule read applies to a suspension of the rules by a two-thirds vote, but that part of the rule is not applicable as against an order in manner as provided for in first clause of the rule read.

Mr. CHALMERS. It says "no standing rule or order of the House shall be rescinded." It uses the words "or order."

The SPEAKER. Yes; but that is the first clause. "No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor." This clause has been complied with, and one day's notice has been given; but the second part which follows immediately thereafter provides: "Nor shall the Speaker entertain a motion to suspend the rules except on the first and third Monday of each month." This clause does not apply to a suspension of an order of the House as referred to in the prior clause.

Mr. CONVERSE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CONVERSE. The order of the business on the Speaker's table is: first, executive communications undisposed of; second, Senate bills with House amendments thereto; third, House bills with amendments of the Senate thereto. There is where we are now, and though this resolution may be properly upon the Speaker's table, now is not the time to consider it.

Mr. REAGAN. I move it be referred to the Committee on Ways and Means.

Mr. CONVERSE. It is not before the House.

The SPEAKER. The Chair thinks the intelligent disposition of this proposition would be to allow it to be referred to a committee of the House with authority to report immediately.

Mr. REAGAN. I would not embrace that in my motion.

Mr. HARRIS, of Virginia. With instructions to report immediately.

Mr. REAGAN. I am frank to say, Mr. Speaker, the adoption of this rule now would absolutely interfere with the transaction of public business, unless members retire from the House to attend to committee business. Some committees are engaged in important business, occupying their time every morning.

The SPEAKER. The gentleman from Ohio makes the point we are proceeding with the consideration of the business upon the Speaker's table under the rule to which he referred, and that in that order this resolution has not yet been reached, and will not be until the order of business mentioned in the rule has been concluded. The Chair thinks the point is well taken.

Mr. ATKINS. I think the remarks of the gentleman from Texas are very proper. I do not think we will facilitate the expedition of business. The gentleman has been on the floor for half an hour.

Mr. HARRIS, of Virginia. I want to hear what the gentleman has to say; but the Chair decides that the resolution is not now before the House.

Mr. WILSON. I understood the gentleman from Texas to move the resolution be referred to the Committee on Ways and Means.

The SPEAKER. The Chair ruled in favor of the point of order raised by the gentleman from Ohio; and the resolution, therefore, is not before the House, not having yet been reached on the Speaker's table.

The ruling of the Chair is, in the first place, that there is no other place for this resolution fixing the daily hour of meeting than the Speaker's table; secondly, that the one day's notice required of the change of a standing order has been given and the rule in that respect complied with; but, in the third place, under the point of order raised by the gentleman from Ohio that the disposal of business upon the Speaker's table should proceed in the order set down in the rule, that the resolution is not now before the House, not yet having been reached on the Speaker's table.

Mr. BUCKNER. This is under the heading of "unfinished business" on the Calendar, placed there by the Clerk, with a note that it is "laid over one day under the rule."

#### MARINE HOSPITAL, MEMPHIS, TENNESSEE.

The next business on the Speaker's table was the bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee, which was returned from the Senate with an amendment.

Mr. DIBRELL. My colleague [Mr. YOUNG] from the Memphis district is absent, and, not knowing his wish in the matter, I ask by unanimous consent this be passed over for the present.

There was no objection, and it was ordered accordingly.

#### PUBLIC BUILDING AT CLEVELAND, OHIO.

The next business on the Speaker's table was the bill (H. R. No. 5623) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government at Cleveland, Ohio, returned from the Senate with an amendment.

Mr. GARFIELD. I hope the House will concur in the Senate amendment. It was passed by unanimous recommendation of the Committee on Public Buildings here. It passed unanimously through the Senate, and the amendment of the Senate only makes appropriation for the repair.

The amendment was read, as follows:

At the end of the bill add the following:

And this sum, or so much thereof as is necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. GARFIELD. I wish to make this remark in connection with this matter: The post-office authorities at Cleveland have requested the Post-Office Department to authorize them to rent additional building room, and the question as to whether they shall incur that expense or not depends upon the passage of this bill. If this is passed that can be provided for without rental, and this expense avoided. It will be an actual saving to the Government. I hope, therefore, it will be passed.

The Senate amendment was concurred in.

Mr. GARFIELD moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SURVEY AND DISPOSITION OF THE PUBLIC LAND.

The next business on the Speaker's table was a Senate concurrent resolution.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,  
June 12, 1879.

Resolved by the Senate of the United States, (the House of Representatives concurring therein,) That the Committee on Public Lands of the Senate and Committee on Public Lands of the House be each authorized to appoint a sub-committee, to consist of not exceeding three members of said committees, to act in aid of the

commission, authorized under the "act of March 3, 1879, charged with the duty of codifying the laws relating to the survey and disposition of the public domain, and provide for the classification and sale of the public lands, and other duties therewith connected," with power to sit in vacation. And any expenses incurred in the discharge of said duties shall be paid out of the contingent funds of the Senate and House respectively, upon the certificate of the chairmen of said committees.

Mr. DUNNELL. Let that be referred to a committee.

The SPEAKER. What committee will the gentleman suggest?

Mr. DUNNELL. Is it desired to bring it before the House for action at this time?

Mr. BERRY. I move that it be referred to the Committee on the Public Lands.

The motion was agreed to.

#### SURVEY AND DISPOSITION OF MINERAL LANDS.

The next business on the Speaker's table was a Senate concurrent resolution.

The Clerk proceeded to read the resolution.

Mr. STEVENSON. That resolution will not be concurred in and it is hardly necessary to take up the time in reading it. I ask, therefore, that it be referred to the Committee on Mines and Mining without reading.

The motion was agreed to.

#### ADVANCEMENT OF AGRICULTURAL INTERESTS.

The next business on the Speaker's table was the following Senate concurrent resolution with preamble:

Whereas agriculture is the foundation of nearly all our wealth, and it is mainly through the exportation of its products that we are paying off our large indebtedness, foreign and domestic, and have the present large balance of trade in our favor; and

Whereas, although about one-half of the people of this country are engaged in agricultural pursuits, and all other interests are dependent upon this our leading and most important interest, commercial and otherwise, yet but little has been done by the General Government to promote agriculture, while other less general and important interests have been largely aided: Therefore,

*Resolved by the Senate, (the House of Representatives concurring,)* That the Committees on Agriculture of the respective Houses be, and they are hereby, instructed to consider generally the subject of agriculture, and report, by bill or otherwise, what can or ought to be done by the General Government to better advance, encourage, and foster agricultural interests; and that said committees shall have the power to send for persons and papers.

Mr. DIBRELL. I hope that will be agreed to.

Mr. COVERT. I move the adoption of the Senate resolution.

Mr. DUNNELL. Let it go to the Committee on Agriculture. It has never been considered by the committee, and I move its reference to that committee.

Mr. TOWNSHEND, of Illinois. That is a very important resolution, and I trust it will be adopted.

Mr. DUNNELL. It has never been considered, as I understand it, by the House Committee on Agriculture.

Mr. DIBRELL. We have considered everything in connection with it very fully in the House, and the subject is pretty well understood here. I am in favor of passing it now. I think we understand what is needed in that connection.

Mr. TOWNSHEND, of Illinois. It should be passed without delay. The SPEAKER. The question will first be taken on the reference of the resolution.

Mr. BERRY. I would like to know what the proposition before the House is.

The SPEAKER. The proposition is to refer this to the Committee on Agriculture.

Mr. BERRY. I hope it will not be referred, but considered at the present time.

The motion to refer was not agreed to.

Mr. COVERT. I move the adoption of the resolution.

Mr. DUNNELL. Let it be again read.

Mr. REAGAN. I would like to offer an amendment, if it be in order. I should like to insert a provision that it shall be considered in connection with how far the agricultural interests of this country can be advanced by adopting a revenue instead of a protective tariff, and by revising the laws in relation to internal-revenue taxation. That is a matter of vital importance, in my opinion.

Mr. COVERT. I am willing to accept the amendment of the gentleman from Texas if I can do so.

Mr. GARFIELD. I make the point of order that the resolution in its terms interferes with the rights and the privileges of the House. The Senate has no right whatever to order one of our committees to report by bill or otherwise. We have no right to order any committee of the Senate to report by bill or otherwise. If the House will observe the language of that resolution—I ask that it be read again, as a part of my remarks.

The Clerk read as follows:

*Resolved by the Senate, (the House of Representatives concurring,)* That the Committees on Agriculture of the respective Houses be, and they are hereby, instructed to consider generally the subject of agriculture, and report, by bill or otherwise, what can or ought to be done by the General Government to better advance, encourage, and foster agricultural interests; and that said committees shall have the power to send for persons and papers.

Mr. GARFIELD. Now, I am as much in favor of having these committees examine and report on those subjects as anybody; and I am willing to vote to direct our Committee on Agriculture to consider this subject and report to the House.

The SPEAKER. Does the gentleman think that it is not within

the power of the two Houses to instruct by concurrent resolution their respective committees to consider particular subjects and report to the two Houses respectively?

Mr. GARFIELD. I think they may by a joint or concurrent resolution instruct a joint committee, raised under the joint order of the two Houses. But how can I or all of us together properly vote to order the Senate Committee on Agriculture to consider a certain subject and report a bill? Or how can the Senate send us an order which has no binding power upon one of our committees? That is the meaning of it all.

I do not think I have ever known a proposition of this kind before, and I raise the question to get the ruling of the Chair upon it. If I am wrong, of course I will be very glad to know this sort of thing can be done. If I have it in my power by introducing a resolution here to compel some Senate committee to make a certain investigation and report, I have a power which I never knew I possessed as a member of the House. And on the other hand, if the Senate has that power over our committees, let us know it.

The SPEAKER. The effect of this concurrent resolution might be to create, for the object specified in the resolution, as it were, a special committee. And the Senate indicates and the House indicates, if it agrees to pass the resolution, that the members of the respective Committees on Agriculture of the two Houses shall form a special committee for the consideration of the particular subject embraced in the resolution.

Mr. GARFIELD. If that is the view of the Speaker, then the Senate goes a step further and appoints certain specific members of the House, and we by passing this appoint certain specific Senators.

The SPEAKER. The joint committees of the two Houses are appointed by the respective Houses.

Mr. GARFIELD. If the Senate appoints a committee to consider and report upon a particular subject and to act in conjunction with such committee as the House may appoint on the same subject, that I grant the Senate has the right to do. That leaves it to the Speaker to designate the committee on the part of the House. But if we adopt this resolution the Speaker has no power of designation.

The SPEAKER. The two committees have already been designated by the respective Houses.

Mr. GARFIELD. It is to me a new thought altogether.

The SPEAKER. It is an unusual proceeding, it is true, but the Chair thinks such a resolution was passed by the Senate at the last session, but failed to pass the House.

Mr. MILLS. I wish to make this inquiry: If this resolution be adopted by this body, will it not be adopted in pursuance of the provision of the Constitution that every resolution to which the concurrence of the Senate and House of Representatives may be necessary shall be the supreme law when signed by the President of the United States? Now, what is there in the position of a committee of this House to prevent its being subjected to the high authority of the laws of the land? A law passed by the Senate and by this House and signed by the President of the United States operates upon every citizen of the Government.

The SPEAKER. The Chair will state to the gentleman from Texas the difference is that this is not signed by the President.

Mr. MILLS. But it is a concurrent resolution. It comes within the terms of the constitutional provision; and when the House concurs in this resolution I suppose its committee is bound to give effect to it.

Mr. BARBER. I desire to make an inquiry. Under the construction of the rule given by the Speaker, will the report made be a joint report, or will separate reports be made by the respective committees?

The SPEAKER. Any report the committees might agree to would be made to the respective Houses in manner as joint committees report.

Mr. TOWNSHEND, of Illinois. I think the action of the House might be regarded somewhat in this light: that this is the expression of the sentiments of the House upon a question in which one-half of the people of this country are directly interested. It is an expression of the sentiment of the two Houses upon the claims of the agricultural interest.

The SPEAKER. The Chair entertains the proposition of the Senate as in order.

Mr. REAGAN. Now I desire to offer my amendment.

Mr. GARFIELD. May I be permitted for a moment to pursue the question I was submitting to the Chair?

The SPEAKER. The Chair will listen with pleasure.

Mr. GARFIELD. Suppose we pass this and suppose that next week we would like to annul our part of the arrangement. Suppose we should say we do not want our Committee on Agriculture to do this thing. We cannot get out of it because we are bound by a concurrent action of the two bodies. Now, I think the House of Representatives has not any right to place itself in that position. By concurring in this resolution we put ourselves in the power of the Senate.

Mr. REAGAN. I understand the Speaker has ruled upon the point as raised by the gentleman from Ohio.

The SPEAKER. The gentleman from Ohio would hardly state that the two Houses have not a right to create a joint committee for the consideration of any particular subject.

Mr. GARFIELD. Oh, no; I say we have.

The SPEAKER. Undoubtedly they have. If the two Houses should have the right to create respective committees, they surely should

have the right combined to instruct by a concurrent resolution the respective committees of the two Houses in reference to a particular subject. And if the House subsequently wanted to withdraw from the House committee its jurisdiction of such a subject, then the House would find a way under its rules no doubt to take the consideration of that subject away from that committee.

Mr. GARFIELD. Could the House do that without the concurrence of the Senate after having passed this resolution? That is the point I make.

Mr. SPRINGER. Would it not be the best way to refer this to the Committee on Agriculture?

The SPEAKER. The Chair entertains the resolution.

Mr. MILLS. Let the amendment be read.

The amendment was read, which was to add the following:

That the committee also inquire as to the effect on the agricultural interests of the country of the adoption of a revenue tariff instead of the present protective tariff, and a proper revision of the laws relating to internal-revenue taxation, and report on those subjects.

Mr. REAGAN. One word in relation to that.

Mr. GARFIELD. I make the point of order that this amendment is not germane to the resolution.

Mr. REAGAN. The gentleman can make that after I am through. This amendment is drawn in the haste of the moment, and perhaps imperfectly drawn, but simply with the view of calling attention to the subject. The purpose of the resolution which has been read is to inquire into the means of benefiting the agricultural interests of the country. It recites very properly the great importance of that branch of industry and the great office it fills in providing the means of paying our public debt and carrying on the Government. If we do not mean to treat this vast interest with mere general complimentary platitudes; if we mean to do something which will lift the burden from the shoulders of those engaged in agriculture and distribute it over the various interests of the country at large, then this amendment is directly within the scope of the resolution coming from the Senate, in order that we may ascertain what can be done to ameliorate and benefit and promote the agricultural interests of the country. When we look at the fact that we have a tariff constructed with especial view to securing protection, in which revenue is simply an incident, as is evidenced by exempting from taxation coffee and tea and other important articles of import that are not produced in this country, with a corresponding increase of taxation on everything that is made or produced in this country, we see a confirmation of the statement that our tariff is especially a protection as contradistinguished from a revenue tariff.

Mr. TOWNSHEND, of Illinois. In some respects prohibitory.

Mr. REAGAN. And as my friend from Illinois [Mr. TOWNSHEND] suggests, in some respects prohibitory. I believe I have before presented to this House on some occasions the fact that taking the best estimates that our ablest statisticians have been able to make of the amount of articles manufactured and brought into market in this country of kinds similar to those imported, while obtaining the amount of revenue that comes from the present tariff duties, we impose upon the people of this country a burden of not less than \$1,600,000,000 a year, which amount does not go into the Treasury, but is transferred from one class of our people to another class of people by the operation of law and without consideration.

When we remember that these agriculturists that are spoken of so blandly in the resolution are engaged in an industry that is deprived of this vast amount of money for the benefit of other people, it seems to me entirely pertinent and appropriate that we should point out in the resolution some specific means of transferring this vast burden from them and distributing it among the different interests of our people.

As was very forcibly presented by my colleague [Mr. MILLS] a few weeks ago, our internal-revenue laws are so arranged as to tax the consumers of the country and to exempt the capital, the wealth, and the property of the country from bearing its part of the burdens of the Government. If this resolution is not intended to be a barren platitude, it opens a field of investigation that might well command the attention and the general consideration of any committee of this House. That Congress which shall meet the wishes of the people of this country, conform to their interests, and make systems of revenue that will bear alike upon all, extending special privileges to none, but securing alike the interests of all, will be entitled to the profound gratitude of the people of this country, and will receive the expression of its grateful consideration for so doing. But it will never accomplish that by barren platitudes eulogizing agriculture. We can never accomplish it except by ascertaining what burdens press down to impoverishment the agricultural interests while it is building up fortunes in the hands of the few.

I do not know but that I have ever stated it before; but about forty years ago, when Stephen Girard by a long life of earnest industry and fortunate speculations succeeded in accumulating a fortune of \$3,000,000, it was considered one of the wonders of the world.

Mr. GARFIELD. I have made a point of order on the amendment.

The SPEAKER. The Chair understood the gentleman from Ohio [Mr. GARFIELD] simply to ask that his point of order be reserved, but not to express a wish to take the gentleman from Texas [Mr. REAGAN] from the floor.

Mr. REAGAN. I am not going to occupy much more time. As I

was saying, when forty years ago Stephen Girard succeeded in accumulating a fortune of \$3,000,000 it was a matter of astonishment to the people of this country. At that time the wealth of the country was more equally distributed among the people, and the enjoyment of the fruits of wealth was more universal in this country than in any other country beneath the sun.

Our people live under equal and just laws, conferring no exclusive privileges upon any, giving no special benefits to any, but extending equal protection to all parts of the country and to every class of industry. What is now the case? Within the last fifteen years we see colossal fortunes of from five to one hundred million dollars piled up in a few years—such as no man can possibly by any successful speculation or commercial adventure expect without Government aid to obtain through a life-time if it were extended to eighty years. When you come to inquire why it is that colossal fortunes are being piled up at the expense of the industry of the country, you must answer that question by reference to the laws on our statute-books—laws which through bounties conferred on particular interests, through protective tariffs, through discriminating internal-revenue laws, through monopolies secured in particular classes of business, have opened the way under the operation of law and by the help of the law for piling up these vast fortunes which come from the earnings of the toiling millions. Hence the few are becoming richer and richer day by day, while the many make no advance, and in most parts of the country retrograde in fortune year by year.

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

Mr. REAGAN. Certainly.

Mr. BAYNE. Has not the national wealth increased more during the last eighteen years than it did in any forty years of the previous history of the country; and is not this due to the protective policy inaugurated about eighteen or nineteen years ago? [Cries of "No!" "No!"]

Mr. REAGAN. I suppose that is the opinion of the gentleman from Pennsylvania. But while the aggregate of wealth in this country has increased, the universal enjoyment of wealth and its equal distribution all over the country are disappearing. If you should go to one of the imperial capitals of Europe, such as Paris or Vienna, as those great capitals increase in dimensions, in population, in wealth, and splendor, they might possibly be pointed to as evidence of the prosperity and growth of those countries; but while that imperial splendor is being piled up for the enjoyment of the few, the toiling millions, without the means of sufficient education, without the proper comforts of life, are bearing the burdens out of which are drawn the millions that create those splendid edifices. Such is the effect and must always be the effect of any system of legislation which robs one portion of the people for the benefit of another portion.

If we are to preserve popular liberty in this country, if we are to maintain republican government, we must do it by a system of legislation which shall command the respect and confidence of the people and enable them in hearty, cheerful patriotism to support the Government—the common government alike of all classes of the people, which shall in the exercise of its functions impose undue burdens upon none, give undue benefits to none. Just so long as we do this we may expect republican institutions and popular government to stand. When we depart from this policy, as we have now departed in order to adopt a system which has piled up great fortunes in the hands of a few at the expense of the many, we are on the road to a moneyed aristocracy which, when sufficiently established, will, in my judgment, inevitably subvert the liberties of our people and change the character of our Government.

If I had supposed this question was to arise, it is exactly upon this theme I would have liked to address the House for a few moments. But I leave that topic. My friend from Pennsylvania [Mr. BAYNE] asks me whether it is not protection that has increased the wealth of this country. Sir, our country's wealth has grown in spite of vicious and false legislation. It has grown as the result of the inherent energies and vast resources of the American people, which unjust legislation has thus far been unable to fetter in chains tight enough to deprive us wholly of the means of prosperity.

But, sir, aside from this, recognizing the necessity of collecting revenue for the support of the Government and the payment of the public debt, give us a revenue tariff. Place it, if you will, at an average of 20 per cent. higher than any revenue tariff from the foundation of the Government until now. By enlarging the foreign trade of the country, by giving activity to internal industry, by increasing imports and exports, you will obtain as much revenue as you now do; and at the same time you will save not less than \$800,000,000 a year to the classes who consume, to the very agricultural class sought to be flattered by the vague terms of the resolution just read. The proposition may be well enough if it is meant to speak a voice that the people will understand and can ratify; but if gentlemen suppose that such platitudes as these can advance the interest or satisfy the demands of this country, they misapprehend the intelligence of the American people.

Not knowing this question was to come up, I have spoken upon it hurriedly and without premeditation. I feel, however, that the amendment is proper to come in with the original resolution, so that some real tangible matter can be before this committee to be investigated and reported upon with a view to the amelioration and advancement of the agricultural interests of the country.

Mr. KELLEY obtained the floor.

Mr. COVERT. I call the previous question.

Mr. KELLEY. I have been recognized by the Chair.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] who reserved the point of order yielded to allow the gentleman from Texas [Mr. REAGAN] to make his remarks. The gentleman from Pennsylvania [Mr. KELLEY] has applied to the Chair to be heard in reply; and the Chair has recognized him.

Mr. SPRINGER. Before the gentleman proceeds will he allow me to offer a substitute?

Mr. KELLEY. I desire to discuss the question moved by the gentleman from Texas, [Mr. REAGAN,] and the House will take a recess in about fifteen minutes.

Mr. SPRINGER. The gentleman can speak on my substitute.

Mr. KELLEY. I propose, with the permission of the gentleman from Illinois, to speak in reply to the gentleman from Texas.

Mr. SPRINGER. The gentleman from Texas yielded to me, as I understood, to offer this substitute.

Mr. KELLEY. The gentleman from Texas surrendered the floor; and I was recognized. This I submit to the decision of the Speaker. I desire to speak now, and am willing the gentleman shall have that right when I am done.

I desire, Mr. Speaker, to say that many of the generalities uttered by the gentleman from Texas [Mr. REAGAN] command my most cordial approval. But he has evinced a confusion as to facts and as to cause and effect that astonishes me. He holds up Girard and Vanderbilt, Gould, and other millionaires as illustrations of the great fortunes manufacturers make. Girard was a merchant, and I doubt whether Vanderbilt, Gould, or any one of their class ever owned a dollar of manufacturing stock in his life; and all the world knows that the only manufacturing done by the Vanderbilt family was the sailing of small vessels first and managing larger steamboats afterward, and after that the manufacture of watered railroad stock. They, or men of their class, never consumed by manufacturing it into fabrics a pound of the wool or cotton of the farmer or planter. None of the wool of the two and a half millions of sheep which fatten on the ranges of Texas, the owners of which come to the Committee on Ways and Means whenever the tariff is under discussion, asking that the protection to wool-growers accorded by the present tariff shall be maintained, sell any of their wool to that class of men whom the gentleman from Texas selected as types of the great manufacturers of the country. The millionaires to whom he referred are the speculator, the dealer in stocks and money, the men who grew suddenly wealthy by the contraction of the volume of our money and the consequent increase in the value of the unit of payment by which debtors were ruined and creditors enriched.

The gentleman says that by establishing a revenue tariff we would increase commerce and quicken industry. On these points he has read the history of his country all awry. The story of our country furnishes not one confirmation of his theory, but thousands of demonstrations of its falsity. Robert J. Walker, in 1847, gave the gentleman the remarks he has just uttered on these points. A change from the protective tariff of 1842 to a revenue tariff would, Mr. Walker asserted, make New York the money center of the world, and the United States a great commercial nation, the sails of whose ships should whiten every sea. It would enlarge the revenues of the Government while reducing exactions upon the resources of the people. That was in 1847, when, under the protective tariff of 1842, we were enjoying unprecedented prosperity. It was just before we discovered the gold of California, of which in a few years we mined \$1,000,000,000. During the decade that followed Mr. Walker's report, they had the potato-rot in Ireland which soon spread throughout Great Britain and to the Continent. The starving people looked to us for food, and we exported in 1847 more than 100 per cent. more of farm products than ever before. Hon. Thomas Corwin, Secretary of the Treasury, in his report of 1850, called attention to the fact that our agricultural exports, owing to the failure of crops abroad, had in that year reached the hitherto unimagined sum of over \$68,700,000. Nor did he fail to call the attention of Congress to the fact that under Mr. Walker's revenue tariff our export of grain had fallen in 1850 to \$26,050,000.

Let us look at the general result of the decade 1847 to 1857. As the gentleman said we imported more largely, he could not say we also manufactured more largely, but might have said that in the latter years of the decade we imported all the manufactured goods we consumed. What was the result? In 1857 every banking institution in the country suspended specie payment. A commercial crisis of unparalleled severity and co-extensive with our country occurred. There was none of the thousand million of dollars of gold we had mined in circulation in this country. They had all been exported to pay for foreign manufactures.

Mr. HUTCHINS. Will the gentleman yield to me to ask him a question?

Mr. KELLEY. No, sir. With this vast amount of gold our silver coin down to the last five-cent piece had also left the country. The grain with which we had fed starving Europe brought us no sterling exchange. The fires in our forges and furnaces had gone out under a revenue tariff. The looms and spindles in our manufactories stood still under a revenue tariff. And when a railroad company advertised for two hundred and fifty men to construct a street railroad in Philadelphia a thousand offered, though the wages promised were but sixty cents a day. Among the eager applicants were skilled artists, jewel-

ers, watch-makers, and others brought up to trades of the highest skill and greatest delicacy. So scarce had a revenue tariff made employment that men of every grade rushed to avail themselves of the privilege of earning sixty cents a day at the hard labor of constructing a street railroad. These are the blessings the gentleman's revenue tariff then brought and would bring again.

He says our present tariff imposes a tax of \$800,000,000 upon the people. Where? When? How? By what philosophy has he arrived at that conclusion? Does he accept the mad assumption proclaimed by the dogmatic free-traders of England that the home manufacturer superadds the duty named in the tariff law to the price of his productions? Does he make no allowance for the effect of home competition upon prices? Has he closed his eyes and mind to the fact that in adequately protected industries in this country of ours, in which raw materials are so accessible, and in such variety and abundance, home competition invariably cheapens commodities while improving their quality?

On the paper question—

Mr. REAGAN rose.

Mr. KELLEY. I decline to be interrupted. The time rapidly approaches when the recess will have to be taken.

I was about to refer to the duty on paper. In the course of the investigation by that much abused body, the Committee on Ways and Means, which has patiently and carefully sought instruction from all who could impart information, we examined the paper question and found that in the whole list of ingredients entering into that article the only ones that were cheaper now than at any preceding period were the only ones the manufacturers of which were protected by an adequate duty, namely, paper pulp and alum. Why? Why, in view of such facts, will the gentleman assume that duties are added to the cost of domestic productions? It is never true, and we were selling in the time of the depression steel rails as low as they could be bought in England. We sold steel rails during the time of the depression as low as they could have been bought in England.

Mr. TUCKER. I understand the gentleman to say that steel rails were sold as low as they could be bought in England.

Mr. KELLEY. Yes, sir.

Mr. TUCKER. What time was that?

Mr. KELLEY. At the period of greatest depression.

Mr. TUCKER. Fix the date; when was it?

Mr. KELLEY. Well, I will say the date of the extremest depression, when the importation of foreign and the production of American rails had both ceased.

Mr. TUCKER. That was the time when no iron was sent into this country, and the fires in every furnace had died out under your high protective tariff.

Mr. KELLEY. The fires of the furnaces of England had died out under free trade. [Applause.] Under free trade, sir, not only had the fires gone out in British forge and furnace, but spiders wove their webs about the looms and spindles of Lancashire. We have sent a Government ship to feed people who live under free trade, and who were brought to starvation, not so much by the failure of crops as by the depression of British trade. Sixpence pays a laborer's passage from Ireland to England, but because there was no work for able-bodied men, skilled or unskilled, in free-trade England or Scotland, a short crop brought famine upon the Irish people.

Where will the gentleman look for a market for the productions of his State under a revenue tariff? Would he ship all the wool of Texas to foreign countries? Would he prefer having but one market in which to sell, that of London, to having two, that of London and that of the broad United States? The competitive markets our magnificent system of woolen and worsted manufactures creates for the wool of Texas keeps up its price and is enriching the people of every part of the Lone Star State. They know and recognize the fact, if the gentleman does not, that protection is beneficial to them in giving them the best market the world has ever furnished for such wool as Texas grows on her greatly improved stock of sheep.

Mr. Speaker, does the gentleman know that under the protective system one city in this country produces in manufactured commodities, year by year, more of commercial values than are imported into all the ports of the United States from every country on the face of the globe? Philadelphia alone produces more manufactured goods than arrive in any year through all the custom-houses of our country. What does the gentleman want to do with the market for grain and wool that is found in this busy hive of industry? Does he wish to suspend the multifarious and prosperous workshops of that city in order to increase the importation of cheap and nasty British goods? Does he wish to quicken the wheels of industry in England and in Belgium by stopping those of the United States? Is he willing to see thousands of the mothers, wives, and daughters of America working in mine, in forge, in furnace, in glass-works, not as skilled work people, but as laborious attendants upon the artisans in such establishments, at twenty cents a day, as I saw women doing last summer in the industrial centers of Belgium?

Mr. HUNTON rose.

Mr. KELLEY. I hope the gentleman will permit me to conclude; a few minutes more and I shall be done.

Mr. HUNTON. Will five minutes suffice the gentleman?

Mr. KELLEY. I presume so. I shall not occupy as much time as the gentleman from Texas did.

Mr. HUNTON. I was going to move that the House take a recess

until half past seven o'clock, and that the gentleman could continue his remarks when this subject came up again.

Mr. TOWNSHEND, of Illinois. The gentleman might do that by unanimous consent if he will yield now for the motion to take a recess.

The SPEAKER. The Chair will state that this question will not come up as unfinished business until business on the Speaker's table is again gone into.

Mr. KELLEY. I do not yield for the motion to take a recess.

Mr. Speaker, agriculture depends for its prosperity upon the maintenance of the workshop and the factory, and the gentleman from Texas, who so eloquently professes to champion it on this floor, would strike it a harder blow than its enemies, if any there be, could propose. I say, and I challenge statistics to disprove it, that year by year, from the foundation of the Government to 1880, under a revenue tariff imports, instead of increasing, have, except immediately after the change from the protective policy, declined in amount and duty-paying power. Under our heaviest tariff we have annually imported the most in value, for the simple reason that a prosperous people gratify their desires and are able to pay for that which will gratify them, but a ruined and distressed people do not and cannot gratify their desires. They cannot supply their wants, and imports and revenues fall off apace whenever the industries of the farmer, the mechanic, and the manufacturer are prostrated by such plausible pretenses as the gentleman has presented to us to-day. Theoretically, free trade makes grand promises; practically, it serves every nation as it served us in the decade between 1847 and 1857, and as it is now serving England, who under its influence must soon cease to even hope to be, as she was for a century, the workshop of the world and the mistress of the sea.

Mr. McMILLIN. I desire to ask the Chair when this business will again come up if the House should now take a recess?

The SPEAKER. When the House next goes to the consideration of business on the Speaker's table.

Mr. REAGAN. I desire to modify my amendment.

Mr. TOWNSHEND, of Illinois. Let the amendment be read, as modified.

The Clerk read as follows:

*Resolved*, That the resolution be referred to the Committee on Ways and Means with instructions to report the same back within three weeks with provisions securing a revenue tariff in place of the present protective system, and a proper revision of the laws relating to internal-revenue taxation.

Mr. CONGER. I make the point of order that the amendment is not germane.

The SPEAKER. There is one point of order already pending.

Mr. CONGER. I do not understand how this can come in while the other amendment is pending.

The SPEAKER. The Chair supposes this to be a modification of the amendment of the gentleman from Texas.

#### ORDER OF BUSINESS.

Mr. HUNTON. I move that the House, in pursuance of the order heretofore made, take a recess until half past seven o'clock this evening.

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

The SPEAKER. The Chair will state that a session of the House was ordered for this evening for the consideration of a bill in charge of the gentleman from Virginia, [Mr. HUNTON.] The order of the House will be read.

The Clerk read as follows:

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

*Resolved*, That there shall be evening sessions of this House on Wednesday and Friday of each week, commencing on Wednesday, the 21st of April, 1880; which sessions shall be devoted exclusively to the consideration in the Committee of the Whole on the state of the Union of House bill No. 5541, to establish a municipal code for the District of Columbia, and shall continue till the consideration of said bill is concluded.

The motion to adjourn was not agreed to—ayes 31, noes not counted.

#### LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FIELD, one week, on account of important business; and

To Mr. McLANE, until Tuesday next.

The question being put on Mr. HUNTON's motion for a recess, it was agreed to.

The SPEAKER. The Chair will be occupied this evening by the gentleman from Tennessee, Mr. SIMONTON, as Speaker *pro tempore*.

The House accordingly (at four o'clock and thirty-seven minutes p. m.) took a recess until seven o'clock and thirty minutes p. m.

#### EVENING SESSION.

The recess having expired, the House reassembled at seven o'clock and thirty minutes p. m., Mr. SIMONTON in the chair as Speaker *pro tempore*.

#### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House meets this evening.

The Clerk read as follows:

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

*Resolved*, That there shall be evening sessions of this House on Wednesday and

Friday of each week, commencing on Wednesday, April 21, 1880, which sessions shall be devoted exclusively to the consideration in the Committee of the Whole House on the state of the Union of House bill No. 5541, to establish a municipal code for the District of Columbia, and shall continue till the consideration of said bill is concluded.

Mr. HUNTON. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the House bill No. 5541; and, pending that motion, I move that all general debate upon the bill be terminated in thirty minutes.

The motion to limit general debate was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

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

#### DISTRICT MUNICIPAL CODE.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union; and by order of the House the business of this evening is confined to the consideration of the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia. Upon this bill all general debate by order of the House has been limited to thirty minutes.

Mr. HUNTON. I ask that by unanimous consent the first and formal reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. HUNTON. Mr. Chairman, I did not propose to discuss this bill in general debate at all. But there were one or two members of the committee who desired to make some remarks in general debate; and I accordingly moved that there should be thirty minutes allowed. I do not see those gentlemen in their places, and it will probably be right I should say a few words in explanation of the bill under consideration.

At the last session of this Congress a bill to revise, consolidate, and amend certain acts which provided for a municipal code for the District of Columbia was referred to the Committee on the District of Columbia, from which emanates the bill under consideration. The title of the bill which was referred to the committee will give the best idea of the character of the bill which we have reported to the House. It was entitled—

A bill to revise, consolidate, and amend certain acts of the late corporations of Washington and Georgetown, of the levy court of the county of Washington, and of the Legislative Assembly, the ordinances of the late board of health of the District of Columbia, certain regulations of the commissioners of the District of Columbia, made in pursuance of the provisions of the act of Congress approved June 11, 1873, and certain acts of Congress having relation to the municipal affairs in the District of Columbia.

The reading of that caption of the bill will show to the committee the absolute, indispensable necessity for a revision and codification of the municipal laws of the District of Columbia. As the case stands now, as gentlemen will understand from the caption of the bill which I have just read, a person, to ascertain what were the municipal laws of the District of Columbia, had to refer to the acts of the late corporation of Washington and the corporation of Georgetown, and of the levy court of the county of Washington, and of the Legislative Assembly, the ordinances of the late board of health of the District of Columbia, certain regulations of the commissioners of the District of Columbia, made in pursuance of the provisions of law, and certain acts of Congress.

Persons had to go through these acts of the various governing bodies of the District of Columbia to ascertain and determine what were really the municipal laws of the District.

Congress at its last session referred this matter to the District commissioners for codification, and when the Committee on the District of Columbia met during the recess, under the order of the House at its last session, they found before them the bill to which I have referred and which was prepared by counsel employed by the District commissioners to codify all these laws so as to bring them before the committee in one body.

Mr. BLOUNT. Allow me to ask the gentleman from Virginia [Mr. HUNTON] if any amendments of the laws were proposed by that codification?

Mr. HUNTON. Very few amendments were proposed by the revisers in that codification. The committee acted upon that bill so prepared, taking it as a frame-work, upon which they have put very many amendments. Those amendments will be found in the printed bill now before the Committee of the Whole for consideration, and which has been reported by the Committee on the District of Columbia as a substitute for the other bill.

Mr. SPRINGER. Can the gentleman point out the changes in the existing laws for the District?

Mr. HUNTON. I could not do it in general debate, for there are too many of them; and it would take perhaps an hour to do so. The necessity for the adoption of a code for the government of the District must therefore be apparent to everybody.

Mr. ATKINS. Could not the gentleman indicate some of the most important changes that are proposed?

Mr. HUNTON. I will endeavor to do so.

Mr. BLOUNT. You can do so at all events when the bill is read by paragraphs.

Mr. HUNTON. I could.

Mr. ATKINS. It would put the House on its guard if some of the most important amendments could be mentioned now.

Mr. HUNTON. So far as the mere municipal regulations of the District are concerned, throwing out of consideration the tax question, which was the most important matter that came before the committee, we were governed very much by the recommendations of the commissioners and their subordinates. For instance, when we came to consider the ordinances in regard to health we had before us the health officers of the District, and by aid of information from them we were enabled to draft a code of laws for the government of the health department of this District. I will say here that there are very few changes, none of any magnitude, in regard to the health ordinances which have been in force in this District for some time past. We have just passed to-day a bill to make valid those very ordinances which have been incorporated in this bill.

Mr. BLOUNT. And you do not change them?

Mr. HUNTON. We make very few changes, scarcely any I think; if any, they are unimportant. On the subject of taxation the committee were not entirely harmonious. They adopted a law on the subject of taxation resembling in principle the present law under which taxes are levied and collected in the District.

One main defect in the present tax law relates to the collection of the taxes. The great trouble in this District has been that persons would not pay their taxes, and according to the provisions of the existing law you could not force them to do so. And I will tell you why. All you could do under existing law was to offer for sale the real property which was delinquent for taxes. In the beginning, when such property was put up for sale, persons would buy it; but when they went into court to enforce their rights as purchasers of that property, they were met invariably by decision of the court invalidating all tax titles. It very soon came to pass that private persons would not purchase property at tax sales, and the District itself had to buy in all the property that was sold for taxes.

The result has been that any one who did not choose to pay taxes on real estate could not be forced to pay them. We all know that was a great defect in the law. The provisions of this bill upon that subject cures that evil. Some think we have provided too harsh a remedy. That is for this Committee of the Whole to determine. But if this bill is adopted a man must pay his taxes on his real estate or else he will have it sold and possession of it given to the purchaser, with the utmost liberality in the way of the right of redemption. If the person fails to redeem, his land is sold, and the purchaser has the right to come in and exercise all the rights of a landlord and get possession of the property, and his tax title is conclusive evidence of the regularity of the proceedings at the tax sale.

Mr. PRICE. While upon that point let me ask the gentleman if provision is made to require that all personal property shall be exhausted before the real estate is sold?

Mr. HUNTON. I was coming to that. In addition to that provision, as the law now stands a man may have a million dollars' worth of personal property and ten thousand dollars' worth of real estate, but you must make the tax on the real estate out of the real property, although he has a million dollars' worth of personal property, because under existing laws you must look to the realty for taxes on the real estate and to the personalty for taxes on personal estate.

Now, this code provides—and we have passed a similar law here this session—that personal property is to be held responsible for all taxes due by any tax-payer for his real or personal property. Therefore, when this provision shall be adopted there will be no difficulty in collecting the taxes assessed in the District of Columbia where the persons are able to pay the taxes.

There are differences among the members of the Committee on the District of Columbia in regard to the mode of levying the taxes. The majority of the committee decided to tax all property, whether visible or invisible; that is, to tax all bonds and all personal property. The minority of the committee were in favor of yielding to the desire of citizens of the District to release the tax upon the invisible property and make it up on the visible property, mostly in the shape of licenses. That view of the question did not prevail before the committee, and the bill now before the Committee of the Whole is similar in principle to the law in force to-day by which all property, except certain exempted property, is liable to be taxed.

There was a great deal of discussion in the committee on the subject of exemption; what property should be exempted from taxation and what should not be. Of course all public property belonging either to the Federal or to the District government is exempted from taxation. Then came the question as to what should be exempted of property belonging to religious and eleemosynary institutions. The committee finally decided that they would recommend the exemption of church property used for church purposes, and property used for the endowment and support of free schools, and the property of purely charitable institutions, and exempt none other. That would leave all church property not used for purposes of actual worship, and the property of schools of a private character, schools taught for pay, to be taxed; and the property of Odd Fellows, and Masonic institutions, and institutions of that class, to be taxed like the property of individuals. The committee thought it was right that that should be done.

It is proposed to tax colleges for this reason: if a person comes here to the city of Washington and starts a school, in the opinion of the majority of the committee there is no more reason why he should be exempted from taxation than for a person who comes here and starts

a merchandising business; for the one may be a profitable business as well as the other, and one is equally liable with the other not to be profitable.

Mr. BLOUNT. You spoke of taxing colleges; I suppose you mean the property of colleges.

Mr. HUNTON. The real estate of colleges, like other property.

Mr. BLOUNT. I would inquire what school property heretofore exempted from taxation will become liable to taxation under this bill?

Mr. HUNTON. None that I know of. Well, let me see; I am not prepared to say that I am exactly advised on that subject. I have been informed that the colleges in this District have not heretofore been taxed—Georgetown College and the Columbian College.

Mr. BLOUNT. Are those the only two? I ask simply for information.

Mr. HUNTON. I do not recollect any others.

Mr. BLOUNT. I know that Georgetown College buildings have heretofore been exempt from taxation.

Mr. HUNTON. The idea was that those colleges ought to be exempt because they are institutions of learning. But they are not free institutions; any one going there has to pay fees. I do not see any more reason for exempting the property of those institutions from taxation than the property of any person who may come here and start a private school on his own account in the District of Columbia; and there are very many such.

Mr. BARBER. Do I understand the gentleman to say that a majority of the committee was in favor of a tax on knowledge?

Mr. HUNTON. I do not think the gentleman could have so understood me.

Mr. BLOUNT. A tax on college property.

Mr. HUNTON. When a man comes here and starts a school, no matter upon what scale, and charges tuition to the pupils, there is no pretense that he should be exempt from taxation. Now, it seems to me that he and a college stand upon the same footing if they both charge tuition alike.

Mr. BLOUNT. I would inquire whether or not under this bill Howard University would be liable to taxation?

Mr. HUNTON. I think it would be, unless the property belonged to the Government.

Mr. BLOUNT. The Government gave it to the institution.

Mr. HUNTON. If it is not the property of the Government, then I think it would be liable to taxation with the others. Free-school property, wherever tuition is free, is not touched.

Mr. BLOUNT. Howard University is not a free school.

Mr. DAVIS, of North Carolina. Does this bill make any change in regard to the commissioners of the District of Columbia?

Mr. HUNTON. I would say in answer to my friend from North Carolina [Mr. DAVIS] that this bill proposes to repeal all laws in regard to the municipal government of the District of Columbia, except the organic act, as we call it, which was passed in April, 1878, providing for a special form of government.

Mr. BARBER. What is the limit of taxation which has been adopted?

Mr. NEAL. The organic law fixes that.

Mr. HUNTON. I would ask my colleague from Ohio [Mr. NEAL] to state what that is.

Mr. NEAL. Not exceeding \$1.50 on \$100.

Mr. ATKINS. I would like to ask the gentleman a question.

Mr. HUNTON. Certainly.

Mr. ATKINS. The gentleman spoke a moment ago of the Committee on the District of Columbia not being unanimous on the subject of taxation. I would ask the gentleman if the committee was unanimous on all the other subjects contained in this bill?

Mr. HUNTON. I cannot say unanimous, but practically so. There was very little difference of opinion in the committee except upon this question of taxation and the collection of taxes.

I now yield to the gentleman from Ohio, [Mr. NEAL,] my colleague on the committee.

Mr. NEAL. Mr. Chairman, the Committee on the District of Columbia found itself confronted with House bill No. 5746, introduced into the Forty-sixth Congress by the gentleman from Kentucky [Mr. BLACKBURN] and reintroduced into the Forty-sixth Congress without amendment and referred to the same committee. At the extra session Congress authorized the sub-committee on the District of Columbia to sit during the vacation and codify this act. That sub-committee, consisting of the chairman, the gentleman from Virginia, [Mr. HUNTON,] the gentleman from Maryland, [Mr. HENKLE,] and myself, met here in November and were engaged in that work every day until after the Christmas holidays. The result was embodied in House bill No. 3991. The amendments made were to change the phraseology of a good many laws and ordinances, making them more explicit and more lawyer-like in terms.

We also omitted some laws absolutely. For instance, there is an act here, which has been in existence for many years, providing for the duties of chimney-sweeps, on which I did not suppose any law existed in the United States anywhere. We left that out entirely, believing the day had gone by for chimney-sweeps.

A great many ordinances had been crudely drawn, were obscure in meaning, and gave rise to lawsuits in the various courts of the District. We changed the phraseology of those acts in such way that

even individuals who might know nothing of law would have no trouble in ascertaining what their rights and duties were and courts no trouble in construing them in cases where individuals failed to put the proper construction upon them. These are the principal changes of what you may call the ordinances of this city.

We found the tax law in a very crude condition. The principle of taxation embodied in the law as it now stands is that property of all sorts shall be taxed at its true valuation in money, whether that property consists of real estate, of horses, carriages, promissory notes, mortgages on bank stock, or stock of corporations. Under that law the supreme court of the District of Columbia has declared that national banks were not entitled to be taxed in any shape whatever; and consequently all the capital invested in national banks has escaped taxation.

We found in addition to that the machinery for the collection of taxes was so imperfect in its character that very few persons cared to pay taxes. Here is a book of several hundred pages of advertisements of delinquent taxes, and I doubt whether the whole State of Ohio, in all its counties, has as many tax delinquents as this District. When people are talked to about paying taxes they snap their fingers in the face of the collectors and tell them to collect them if they can. There is no law distraining property in this District for payment of taxes, and such high officials as judges of the courts, who administer the laws and ought to be willing to obey the laws, are delinquent many thousands of dollars.

Mr. BRIGGS. Is there no process here to collect the present tax assessed upon real estate?

Mr. NEAL. There is what is called a process, but it is so inefficient in its character that it utterly fails to accomplish the purpose for which it was intended.

Mr. BRIGGS. On account of its lax execution perhaps rather than any defect in the law.

Mr. NEAL. No; there is a defect in the law, as the machinery provided is not sufficient; and perhaps, too, it may be the officers having this matter in charge have not been as diligent as they might have been, one of the evils of an appointive government being it has nothing behind it to spur it on to the prompt discharge of its duties.

We found the Baltimore and Ohio Railroad Company had not paid any tax for a good many years and was litigating the matter in the courts. The Baltimore and Potomac Railroad Company, notwithstanding its charter authorizes the taxation of its property as other property is taxed, occupies \$200,000 worth of the property of the United States and pays no tax whatever upon it; nor does it pay any rent for the occupancy of that property.

Mr. BRIGGS. What corporation is that?

Mr. NEAL. The Baltimore and Potomac Railroad Company. A reasonable valuation of the property it occupies, on which it has paid no tax, and for which it has paid no rent, is \$200,000. It will be seen there was imperative necessity for amendment of the law, so as to put upon the tax-duplicate the property of individuals who were enjoying the protection of the law. The property of the banks, which were also being protected by the authorities here, and the property of railroad companies, we thought should bear a just proportion of the burden of taxation.

Mr. SAMFORD. Will the gentleman allow me?

Mr. NEAL. Yes.

Mr. SAMFORD. By what authority does this railroad company occupy property of the United States to the extent stated?

Mr. NEAL. By the act under which it was incorporated. That act provided its property might be taxed but did not provide for its taxation, and the general tax law made no provision for it, the consequence of which was it has escaped taxation during the whole period of time in which it has occupied the property of the United States.

Mr. WILSON. They have avoided taxation?

Mr. NEAL. Escaped it is a better term.

Mr. WILSON. The property is not theirs?

Mr. NEAL. It is not, but they have the beneficial use of it. We provide in this act all the railroad companies occupying public grounds, or which have the use of the streets and avenues of the city, shall pay taxes upon those grounds at a fair valuation, and shall be taxed for the use of the streets at whatever it may be considered worth by officers having the enforcement of the law.

Now, as an illustration of the character of this law and the manner in which it has been enforced heretofore, a gentleman told me that the tax-assessor came to his house and stuck a notice of tax under his door, but he never paid any attention to it, and was never called upon to pay any tax. I could show many other illustrations which point to the necessity of some amendment in the law in that respect.

Now, this bill is denounced by some persons here in the District, who would be glad to escape taxation, as an inquisitorial measure in its character, or, as some of them call it, a Draconic law. It is inquisitorial in its character so far as persons are concerned who will not do their duty as good citizens. Where such a class of people is to be dealt with the laws are and should be Draconic and inquisitorial in their character, because such are the only laws which can deal properly with them. Such laws do not bear harshly upon good citizens. All laws bear harshly upon bad citizens.

I do not often find anything to commend in the State of Louisiana,

but I find recently that a committee introduced a tax bill into the Legislature of that State which contains the following words:

The committee say it is not equal or uniform or just to tax the willing and obedient citizens and allow others to go free. Objections are made to this act "that it is too stringent and severe, but the worst that can happen to any man is to pay his taxes, and that he ought to do or ought to be made to do. The citizen who withholds from his government his just share of contributions levied equally upon all for its support is not entitled to its indulgence. Your committee distinctly announces that the present act is intended to secure the actual collection of taxes voluntarily from the willing and by compulsion from the unwilling, and no bill having a different intention could receive the approval of its members.

That is precisely the object of this committee. We propose, if it is possible, to compel the collection of taxes willingly if the parties are disposed to do their duty as good citizens, and by compulsion if they are unwilling to do their duty and if they are endeavoring to shirk or shake off the burden of their responsibilities.

The law as it now stands in regard to the exemption of property I will ask the Clerk to read, and I desire that the members of the House will listen to this in order that they may see the change that we propose to make in reference to the exemption of property.

The Clerk read as follows:

PROPERTY EXEMPT FROM TAXATION.

SEC. 51. The property exempt from taxation shall be the following and no other, namely: First, the Corcoran Art Building, free public library buildings, churches, the Soldiers' Home, and grounds actually occupied by such buildings; secondly, houses for the reformation of offenders, alms-houses, buildings belonging to institutions of purely public charity, conducted without charge to inmates, profits, or income; cemeteries dedicated and used solely for burial purposes and without private income or profit; but if any portion of any such building, house, grounds, or cemetery so in terms excepted is larger than is absolutely required and actually used for its legitimate purpose and none other, or is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds; thirdly, such property as is now exempt from taxation by laws of the United States; fourthly, personal property not in said District and taxed elsewhere, but owned by persons having a residence for any purpose in said District; fifthly, personal property not held for sale and not over the value of \$500.

The CHAIRMAN. The time fixed for general debate by order of the House having now expired, the Clerk will report the bill by sections for consideration.

Mr. HAWLEY. Mr. Chairman, I think this is a very important measure, and we are all anxious to hear some more about it. I hope the time will be extended.

The CHAIRMAN. The Committee of the Whole cannot extend the time for debate after it has been limited by order of the House, even by unanimous consent.

Mr. HAWLEY. Then if it cannot be done even by unanimous consent, I move that the committee rise.

Mr. HUNTON. Will not unanimous consent accomplish what is desired?

The CHAIRMAN. It will not.

Mr. HAWLEY. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SIMONTON, as Speaker *pro tempore*, having taken the chair, the chairman of the Committee of the Whole reported that the committee having had under consideration the bill of the House No. 5541, to establish a municipal code for the District of Columbia, had come to no resolution thereon.

Mr. HAWLEY. I move now that the time for general debate be extended thirty minutes.

Mr. WARNER. Is not that rather short?

Mr. HAWLEY. I am willing to make it longer if gentlemen desire it.

Mr. SPRINGER. I should think that thirty minutes was long enough.

Mr. HAWLEY. I understand that thirty minutes will be satisfactory.

The motion to extend the time of debate thirty minutes was agreed to.

Mr. HAWLEY. I move that the House now resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

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

Mr. NEAL. The sub-committee reported in favor of making some considerable changes in reference to the exemption of property in the District. For instance, we cut down the exemption from \$500 to \$200. That exemption of \$500 amounted practically to \$1,000 in its operation. The experience of Ohio, which had fixed the limit at \$200, was so satisfactory that the Legislature, at the succeeding term, reduced the limit to \$50, at which it has remained for the last twenty years, and has proved to be entirely satisfactory.

The sub-committee favored the following exemptions from taxation, which the committee subsequently modified, as will be seen by reference to the pending bill:

First. The property of the United States and of the District.  
Second. The Corcoran Art Gallery, with the works of art contained therein, and all real estate now owned by the trustees of said institution.  
Third. The Soldiers' Home property.  
Fourth. All church buildings, held and used exclusively for religious worship, and the books and furniture therein.

We did not exempt the real estate of the various religious denominations, but the buildings, for it is a notorious fact that in this city a large amount of real estate is held by churches more than is necessary

for the full and free enjoyment of the religious exercises of the denominations to which they belong.

Fifth. All chartered institutions of learning, and all buildings and personal property held and used exclusively for the purposes of such institutions, and all lands now owned by such institutions of learning not used with a view to profit: *Provided*, That all property, real and personal, the rents, issues, and profits of which are used exclusively for the endowment or support of institutions for the free education of youth, shall be exempt from taxation as long as such property, or the rents, issues, profits, and income thereof shall be used and applied exclusively for the support of free education.

Now, I am free to say that this clause did not meet fully my approbation, because it did not seem to me right to tax the lady who comes here and opens a school, charging a tuition fee for her services for the learning which she imparts, while an institution which was chartered and which charged higher tuition fees than this lady did was exempt, but the sub-committee thought it best to embody the exemption in the language I have read, and I acquiesced.

Mr. PRICE. I understand the gentleman to say in regard to church property that only the building is exempted. If he does not exempt the ground that the building stands on, in case the ground is sold, what would become of the building?

Mr. NEAL. The bill of the committee as reported to the House, on page 39, exempts—

All church property held and used exclusively for religious worship.

And provides that—

All property, real and personal, the rents, issues, and profits of which are used exclusively for the endowment or support of institutions for the free education of youth, shall be exempt from taxation as long as such property, or the rents, issues, profits, and income thereof shall be used and applied exclusively for the support of free education.

The committee will notice the difference in the report of the sub-committee. We propose to exempt all chartered institutions of learning, whether education is free or not. The report of the committee exempts only such property as is used for the free education of youth.

Now, Mr. Chairman, I want to say one word in regard to the machinery we have provided. There were two modes of taxation proposed. One was to exempt from taxation what is known as the invisible personal property and to adopt in lieu thereof a license system; in other words, a system which, in the opinion of the majority of the committee, taxed labor and business enterprise and excluded from taxation the property of the wealthy people of the District who live upon the income derived from mortgages, promissory notes, and other evidences of indebtedness. This did not seem to a majority of the sub-committee to be right, and we refused to adopt it. We do, however, maintain the present system of taxation as it is now in vogue in this District and have added to it licenses upon such trades and occupations as require the surveillance of the police; the sale of intoxicating liquors, hack-stands, theaters, and other occupations and business employments which, as I have said, require to a certain extent the surveillance of the police. And we have left perfectly free all occupations, trades, and business of every character which are legitimate and praiseworthy in their purposes and objects. That is one of the questions upon which the committee and the House may be called upon to pass. I trust that the report of the committee in this respect at any rate will be adopted, as it seems to me the only correct mode of taxation is to tax all property in every shape and form in which you may discover it, whether it be visible or invisible.

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

Mr. NEAL. Yes, sir.

Mr. SPRINGER. I wish to ask the gentleman whether it is not the policy in all the States to exempt college property of every kind from taxation; I mean the real estate of institutions which is used exclusively for educational purposes?

Mr. NEAL. I cannot answer.

Mr. WILSON. I will answer for the gentleman. It is.

Mr. NEAL. I cannot answer whether it is or is not. I know in the State of Ohio that is the policy.

Mr. McMILLIN. I will answer that it is not.

Mr. NEAL. And the report of the sub-committee is substantially the law of the State of Ohio on that subject. There we exempt from taxation all chartered institutions of learning, whether tuition fees are charged or not.

Mr. SPRINGER. I know that is the policy in Illinois. All institutions of learning are exempt from taxation; and as these institutions are not run for profit, but for educational purposes, and the charges are merely to pay the expenses, I do not see why we should subject them to taxation.

Mr. WILSON. That is right.

Mr. SPRINGER. If it was a private enterprise to make money out of, it would be a different thing; but when the charges are only for the purpose of meeting the necessary current expenses of the institution, and they are always, so far as my experience go, in debt and struggling for existence, I think we should exempt them from taxation.

Mr. NEAL. The views which the gentleman from Illinois has expressed were the views of the sub-committee as I have read them from its report. As I have stated we have adopted the policy of taxing all property in whatever shape it may be found, and that, so far as I have examined, is the law of all the Western States. It is the law also of Georgia, of New Hampshire, and of Virginia, and it is

for the most part the law of Maryland. It is the modern system of taxation, and it is the honest system of taxation.

In regard to the machinery, we provide that the land shall be appraised once, I believe, in five years—perhaps we changed it to three years—once in three years or in five years.

The District of Columbia is to be divided into convenient collection districts. Assessors are to be appointed, who shall appraise all property at its real value in money. We then provide for a board of equalization. This board may increase the valuation, but cannot reduce it in the aggregate. They may take off in one district and put on in another. They may adjust and equalize, but not reduce.

Mr. DAVIS, of North Carolina. The assessment is to be made once in three years?

Mr. NEAL. Yes, sir.

Mr. DAVIS, of North Carolina. Is there any provision for modifying the assessment in view of the erection or destruction of improvements in the interim?

Mr. NEAL. Wherever houses are built in the interim the assessor of personal property is to value those houses, and wherever there is destruction of property he deducts from the real estate an amount equal to the value of the buildings destroyed.

Mr. HERBERT. In speaking of the board of equalization, did the gentleman mean to say that if property should be assessed by the assessor too low the board may increase the assessment, but if property happens to be assessed too high the board has no power to reduce the valuation?

Mr. NEAL. The board can take off in one district a certain percentage and put it on in another, but they cannot reduce the grand aggregate of assessment. The reason of that is this: if certain property should be appraised a little too high, and all the other property in the district should be appraised at the same rate, it would reduce the rate of taxation, thereby lessening the burden in that respect perhaps as much as it would be increased by the excessive assessment.

Mr. HERBERT. The gentleman is speaking of the rates of taxation, not of the assessment of any particular piece of property.

Mr. NEAL. I am speaking of the general assessment in the aggregate. Then we provide that these taxes shall be paid by a certain time of the year; and in default of payment a penalty is to be added. It is not necessary for me to go into details on this point, because the Committee of the Whole will understand those when the bill is read section by section. Then we provide that if the taxes are not paid within a specified time the property shall be advertised as delinquent and shall be sold as such. If any property should not be sold for enough to pay the taxes, it is to be returned unsold and to be placed upon what is known as the forfeited-land list. Within two years the owner may come in and redeem his property by paying the taxes, penalties, and interest. If this be not done the land is to be sold at a forfeited-land sale, and the party forfeits his property forever.

Mr. SPRINGER. Has the committee had before it the question of providing that no land shall be sold for the non-payment of taxes until a judgment has been obtained in a court of record for the amount of the tax?

Mr. NEAL. The committee considered all those questions; but we unanimously repudiated any provision of that kind. The power to collect taxes must be a good deal more summary than any proceeding in court. Ample provision is made for the correction of assessments which may be too high, for the equalizing of assessments. When the time allowed for this has passed, there is no power to change the assessment. The taxes go upon the duplicate for collection. If the party fails to pay them, they become delinquent and the property is sold. He then has two years within which to redeem it. If not redeemed within two years it is again offered at a forfeited-land sale; and when it has been thus sold the party forfeits his property forever.

Mr. BARBER. What notice is given to non-residents?

Mr. NEAL. We give no notice to non-residents except the general notice given to everybody.

Mr. BAKER. A delinquent list is published?

Mr. NEAL. It is advertised that a delinquent list is ready for delivery to anybody who will call for it. Non-residents know that their property is subject to taxation. They are bound to know that if they allow it to be sold, then, unless they come within some of the exemptions we have provided, they fare just as residents do—no better and no worse.

Mr. SPRINGER. Will the gentleman allow me to make a suggestion? In the State of Illinois we have provided by constitutional provision that no land shall be sold for the non-payment of taxes until a judgment has been obtained against the party in a court of record; and that provision of our constitution, so far from working any detriment to the State government in the collection of taxes, has been shown to be in the interest of justice, while it does not interfere with the prompt and efficient collection of taxes.

Mr. NEAL. I have only a few minutes remaining. The gentleman can discuss those propositions under the five-minute rule.

Then, Mr. Chairman, we have provided that no person shall impeach a tax title unless he makes tender of the taxes which he admits to be due and which he has failed to pay. We provide, as we think, ample security that no man who is disposed to be a good citizen and pay his taxes shall be unjustly or inequitably dealt with; but in default of payment of taxes we make the property pay the penalty.



In addition to this we have provided exactly what this House by an almost unanimous vote a month ago adopted and, so far as this House is concerned, enacted into law, that personal property may be distrained for the collection of taxes upon real estate.

Mr. BAKER. Does this code permit the advertisement of real estate for sale until an effort is made to collect the taxes by distraint?

Mr. NEAL. No, there must be effort made to collect taxes by distraint upon personal property.

We provide that all personal property shall be taxed at its true value in money, except that there is an exemption to the amount of \$200.

We provide for the taxation of national banks in the very words of the law by which the national banks were incorporated—the capital stock of the national banks in the hands of the holders thereof.

Mr. SAMFORD. Not the corporation?

Mr. NEAL. Not the corporation, but the stock in the hands of the owners as the national-bank act provides. There will be no trouble in making those institutions pay their full share if officers of the District do their duty.

We provide for the assessment of personal property annually. We provide for the equalization of assessments by a proper board so that no injustice can be done to any individual if he is diligent in watching and caring for his rights.

Mr. COBB. What means do you provide for the ascertainment of the value of personal property?

Mr. NEAL. It is to be appraised by sworn assessors. In the first instance the individual himself is required to make out, under oath, a list of his property and put a valuation upon it. If the valuation is honest, that is received by the assessor as true, and no controversy is made about it. If he refuses to assess his property, then it is the duty of the assessor to find out by other means in his power what property the man possesses, and make return for him. In addition the board of equalization has the right to call him before them and put him on oath in regard to his property where he refuses to make assessment. It is this provision which is denounced by some wealthy persons in this city as being Draconian, too inquisitorial for gentlemen.

Mr. DAVIS, of North Carolina. What penalty do you provide?

Mr. NEAL. We put a penalty of 50 per cent. where the party refuses to make assessment. In some States it is 200 per cent., but we thought we would be moderate and put it only at 50 per cent.

In addition to that we provide for a tax on collateral successions. Persons who as collateral heirs inherit an estate pay a certain tax, which the committee will discover as the bill is being discussed section by section. We thought this only right that the man who is so fortunate as to be made heir of property could afford to pay a pretty liberal tax for the privilege of inheriting that property.

I think what I have stated gives a clear and succinct idea of the provisions of this act. I trust the committee will give it careful consideration; and I believe the more they consider it the more it will commend itself in its general features to their approval.

I will say this: that if the bill becomes a law and is honestly and fairly enforced, it will enable the commissioners of the District to reduce in another year the rate of taxation from one dollar and a half to one dollar and a quarter, and, perhaps, one dollar, and still furnish as much money as is collected under the present tax law.

Mr. DAVIS, of North Carolina. Will the gentleman inform the committee how the license taxes are equalized?

Mr. NEAL. There is no equalization of licenses. As an illustration, we provide that beer saloons shall pay \$100, which is the present license tax.

Mr. DAVIS, of North Carolina. Without reference to the amount of business.

Mr. NEAL. Yes; without reference to the amount of business. If they do not make enough to pay the license, they will be frozen out, starved out. We provide that saloons which sell distilled liquors shall pay \$250 license, increasing the tax from \$100, which it is now, to \$250. We did this because we thought it would be a good plan to squeeze out a lot of these small irresponsible concerns and place this business in the hands of men who will have some interest in conducting it with some regard to the decencies and proprieties of public life.

Mr. BRIGGS. Has the committee taken into consideration the prohibition of the sale of liquor in the District instead of licensing it?

Mr. NEAL. The committee did not take that into consideration. Speaking for myself and others with whom I have conversed, we concluded the sale of liquors, whether an evil or not, was an absolutely unavoidable thing in the city of Washington.

Mr. PRICE. What! [Great laughter.]

Mr. NEAL. It cannot be suppressed, and the only correct means of dealing with it is for us to put it under the surveillance of police by means of a license tax, so unauthorized concerns can be closed up by the police, and we give them that authority.

Mr. PRICE. It is hardly worth while to discuss that just here.

Mr. NEAL. No.

Mr. PRICE. I only wish to ask the gentleman a question. Can he tell me any reason why it can be suppressed in one place and not in another. Is it because Congress meets here? [Laughter.]

Mr. NEAL. Congress does not meet in Cincinnati, or New York, or in your own town.

Mr. PRICE. I can point, in my State, to towns where you cannot buy a glass of lager.

Mr. NEAL. But you can in Burlington.

Mr. PRICE. But I do not live in Burlington. [Laughter.]

Mr. NEAL. You can find little country villages where the sale of liquors is suppressed, but you cannot find any city in the United States or anywhere in the world where it is suppressed. When the State of Massachusetts had a prohibitory law the sale of liquor was about as open and notorious in Boston as it is now in Washington.

Mr. UPDEGRAFF, of Ohio. The authentic statistics of that State do not confirm the statement.

Mr. NEAL. Here we have provided that the police shall have ample authority to close up unlicensed establishments, and no man can open a liquor store unless he gets the consent of the property-holders in his vicinity. We have thrown around this traffic such restrictions as we believe will be beneficial and prevent unlicensed establishments from operating.

Mr. ROBINSON. I would like to ask the gentleman from Ohio a question, leaving the liquor question now, in reference to taxation. I see that after the assessor has made an assessment upon property, there is to be a board of equalization, to whom I suppose something in the nature of an appeal is to be made from what may be claimed to be excessive assessments. On page 44 of the bill it appears that they have the power to raise or reduce the value put upon property by the assessors.

Mr. NEAL. They cannot reduce the aggregate.

Mr. ROBINSON. That is what I want to get at. Why should they not reduce the aggregate if they have the power to reduce the assessments if the aggregate amount is too large?

Mr. NEAL. It cannot be too large practically under the operation of this law, and if you allow them to reduce the aggregate the consequence would be that they would be besieged by every property-holder to reduce the value of his property, and unless they had nerves of iron they could hardly be expected to resist the appeals that would be made to them. Therefore it is not intended that they should have the power to reduce the aggregate.

Mr. ROBINSON. But I understood the aggregate of valuation of property to be the different sums and values set upon different pieces of property in a certain square, say for instance lots to be valued at five, ten, fifteen, or twenty thousand dollars, &c. The aggregate would represent the total value in that square.

Mr. HUNTON. That would apply to the whole District—

Mr. ROBINSON. Well, if I am asking questions that will illuminate the darkness of my own mind it may perhaps have the effect of removing some doubts in the minds of other gentlemen as to the operation of this proposed law. It seems, as I was about to say, that if this board has the right to revise the assessments, it can necessarily reduce the aggregate, and, if so, that it may reduce a piece of property five, ten, or fifteen thousand dollars, and then levy upon the remainder of it.

Mr. NEAL. In response to the gentleman from Massachusetts, I would only say that I think when we come to examine this law before the committee, section by section, he will be very well satisfied with it, and I will then be able to explain to him the point that he now objects to. How much time have I left?

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. SPRINGER. I hope the gentleman will yield that time to me.

Mr. NEAL. I have no objection to doing so.

Mr. SPRINGER. Mr. Chairman, I desire to call the attention of the committee to an amendment I shall offer at the proper time, which will be substantially the law of the State of Illinois upon the subject of the sale of real estate for the non-payment of taxes. That provision of the constitution of Illinois was adopted by one of the ablest constitutional conventions that ever assembled in that State. After a full and fair discussion of all the questions entering into the sale of real estate for the non-payment of taxes, the best lawyers of our State determined that under the Constitution of the United States, which provides that no person shall be deprived of life, liberty, or property without due process of law, a law depriving or attempting to deprive a citizen of his freehold, unless by due process of law, which all lawyers understand to be a trial in pursuance of the common law in a court of record, was unconstitutional.

Mr. HUNTON. I would like to ask the gentleman from Illinois if this bill provides differently?

Mr. SPRINGER. I understand from the reading of this bill that there is no provision whatever for a judgment of a court of record before the sale.

Mr. HUNTON. I beg pardon, where a person gets a deed for a tax title he has to bring his suit for possession of the property unless the former owner chooses to give it up.

Mr. SPRINGER. The gentleman evidently does not understand me. I spoke of the sale of an estate for non-payment of taxes. Now, I say that under the proposed law there is no provision for requiring a judgment from a court of record before the property can be sold for delinquent taxes, but as I understand it the collector sells that property when it becomes delinquent and by virtue of that sale divests the owner of his freehold without giving the party an opportunity of a decision of a court of record.

Mr. ROBINSON. Do I understand the gentleman to say before the delinquent tax can be collected by the law of the State of Illinois there must be a judgment of a court of record to enable the collector to take possession and sell?

Mr. SPRINGER. That is the law of Illinois.

Mr. ROBINSON. Is that the law of any other State in the Union, that before the property can be sold there must be a judgment of a court of record?

Mr. SPRINGER. I do not know that it is, but—

Mr. HERR. Is there any other State than the State of Illinois that has such a law?

Mr. SPRINGER. I am not able to answer that question, as I have not examined, but I have no doubt it exists in other States, and it ought to exist in all of them.

Mr. BAKER. Does it not give rise to endless confusion in attempting to carry it into effect?

Mr. SPRINGER. No, sir.

Mr. BAKER. Are not the Chicago papers annually filled with notices of litigation in reference to these sales for taxes?

Mr. SPRINGER. We have all of our litigation before the property can be sold for taxes, not afterward.

Mr. THOMPSON, of Iowa. I rise to a point of order. There is no question, as I understand it, pending before the committee; and we would like to have an opportunity of discussing the bill now pending.

Mr. SPRINGER. I only want to give notice that I will introduce the amendment to which I have referred at the proper time.

The CHAIRMAN. The Clerk will now read the bill by sections for amendment.

Mr. HUNTON. I do not suppose that the Committee of the Whole desire to hear the formal parts of this bill, which were adopted unanimously by the Committee on the District of Columbia; and I think it would save time for the committee to rise and the House to authorize the Committee of the Whole to dispense with the reading of such parts of the bill as the committee shall think unnecessary to be read.

Mr. BRIGGS. I think the proper course would be to read all the sections.

Mr. HUNTON. Very well; I will not press the motion.

The Clerk proceeded to read the bill by sections for amendment. The third section was read, as follows:

SEC. 3. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

Mr. HAWLEY. I hope the committee will not think me hypercritical if I suggest that we strike out that section entirely for the purpose simply of shortening the bill. No court in the world could help holding that—

All words and phrases shall be construed and understood according to the common and approved usage of the language, &c.

For the same reason I think sections 7, 8, and 9 might also be struck out. They would simply encumber the statute-book. I have a great respect for the work as a whole, but with the view of simplifying it somewhat I move to strike out this third section.

Mr. NEAL. That section does no harm.

Mr. HAWLEY. It cumbers the act.

Mr. PRESCOTT. Does the gentleman from Ohio think it does any good?

Mr. NEAL. Yes; I think it does good.

Mr. HUNTON. I believe such a canon of construction is usually placed in codes such as this, that words shall be construed according to common usage except where they have a technical meaning.

Mr. HAWLEY. I withdraw the motion to strike out.

The Clerk resumed the reading of the bill and read the sixteenth section, as follows:

SEC. 16. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office:

First. The death of the incumbent;

Second. His resignation;

Third. His removal;

Fourth. His conviction of any infamous crime, or of any offense involving a violation of his official oath;

Fifth. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit such oath or bond within the time prescribed by law;

Sixth. The decision of a competent tribunal declaring void his appointment or election.

Mr. ROBINSON. I wish to ask whether the words "his removal," being the third event specified, are to be construed as meaning his removal from the District by a change of residence, or whether they mean his removal from the office for any cause which would disqualify him.

Mr. HUNTON. The meaning is removal from the District.

Mr. ROBINSON. Would it not be well to insert those words?

Mr. HUNTON. I have no objection.

Mr. ROBINSON. I move, then, to add after the word "removal" the words "from the District."

The amendment was agreed to.

The Clerk resumed the reading of the bill and read the following section:

SEC. 22. Every official bond, executed by any officer pursuant to law, shall be deemed and taken to be in force, and obligatory upon the principal and sureties therein, for any and all breaches of the condition or conditions thereof, committed during the time such officer shall continue to discharge any of the duties, or hold such office.

Mr. HUNTON. It has been suggested to me that in line 5 of this section, after the word "officer," the words "or his deputies" should

be inserted. I think it would be right to insert those words, and I move that amendment.

Mr. BAKER. I suggest that the words proposed to be added should be inserted in line 4, after the word "thereof;" so that it will read:

For any and all breaches of the condition or conditions thereof by such officer or his deputies, committed during the time, &c.

Mr. NEW. I had risen to make the same suggestion.

Mr. HUNTON. I will accept that amendment in lieu of mine.

The question being put on the amendment to insert the words "by such officer or his deputies" after the word "thereof," it was agreed to.

The Clerk read as follows:

SEC. 39. Unless otherwise expressly provided, there shall be at least two sureties upon the official bond of every officer.

Mr. ROBINSON. I move to strike out the last word, that I may ask the gentleman from Virginia a question. In section 33 it is provided that "whenever the sureties in an official bond, or any one of them, shall remove from this District," &c., the officers shall be required to execute an additional official bond, but I do not discover any provision that the sureties shall in the first instance be residents of the District; and anticipating somewhat the reading of the bill by the Clerk, and turning to the fourteenth page—and I may say I am obliged to make the examination hurriedly because I have not seen the bill till this evening—I notice that the collector of taxes before entering upon his duties is required to execute a bond in the sum of \$100,000, with sufficient surety or sureties. Nothing is said there about those sureties being residents of the District.

Mr. HUNTON. The reason for that not being stated is that as the sureties have to be approved by the commissioners that is left for the commissioners to determine.

Mr. ROBINSON. I suggest to the gentleman the question whether it is wise to leave to the commissioners the decision whether the sureties in the first instance should be residents in the District; and whether it is wise in any case to take sureties who reside out of the District. I only offer this as a suggestion. I have no knowledge on the point.

Mr. HENKLE. I would suggest to the gentleman from Massachusetts that if he wishes to make an amendment of that character he should make it general, so that it shall apply to all sureties where officers are required to give bonds.

Mr. ROBINSON. If deemed advisable, such a provision could be inserted in this thirty-ninth section.

Mr. HUNTON. The words can be added at the end of the section, "who shall reside in the District of Columbia."

Mr. ROBINSON. I offer the following amendment:

At the end of section 39 add these words: "All sureties upon official bonds shall be residents of the District."

Mr. SIMONTON. I think it would not be improper, before the word "sureties," in the second line of the section, to insert the words "good and sufficient;" so that it will read: "two good and sufficient sureties."

Mr. NEAL. The officer approving the bond would see to that.

Mr. HUNTON. I would suggest to the gentleman from Massachusetts to modify his amendment by substituting for the word "all" the word "who."

Mr. ROBINSON. The difficulty with that is that in some instances there may be more than two sureties.

The question being taken upon Mr. ROBINSON'S amendment, it was agreed to.

The Clerk resumed the reading of the bill and read the following:

SEC. 43. The following offices are created in and for the District of Columbia, and are authorized by law, subject to the provisions and limitations of the act of June 11, 1878, namely: Collector of taxes; treasurer and assessor; auditor and comptroller; coroner; water registrar; attorney and assistants; surveyor; one or more assistant assessors; superintendent of lamps; market masters; superintendents of public schools; trustees of public schools; three fire commissioners; chief engineer and assistant of the fire department; superintendent of fire-alarm telegraph; inspector of buildings; health officer; an inspector of plumbing on recommendation of health officer; sanitary inspectors and poundmaster; major and superintendent of police, and officers and members of the police force; sealer of weights and measures; such inspectors of food, flour, and salted provisions, such inspectors and measurers of wood and lumber, such gaugers and inspectors of spirituous liquors, and such weighers of hay, straw, and fodder as may be necessary for the exigencies of the services required of them; one harbor master; intendant of the Washington Asylum; physician of the Washington Asylum; resident medical students of Washington Asylum; physicians to the poor, to be residents respectively of the districts or localities for which they may be appointed; apothecaries for the poor, to be residents respectively of the districts or localities for which they may be appointed; secretary to the commissioners of the District of Columbia; three trustees of the "Corcoran Charity," to be appointed from residents of that part of the District of Columbia known as the city of Georgetown.

Mr. BAKER. I move to strike out the last word for the purpose of asking whether or not this section provides for any officers other than those authorized by existing law.

Mr. HUNTON. I do not think there is one.

Mr. NEAL. Not one.

Mr. HUNTON. I think, if anything, the number of officers is reduced.

Mr. BAKER. I withdraw my amendment.

The Clerk read the following:

SEC. 57. The treasurer of the District, upon receiving any moneys, shall forthwith deposit the same in the Treasury of the United States; and said moneys thus deposited shall be drawn from the Treasury of the United States only in such sums and at such times as the same shall be actually required, and only for the expend-

tures authorized by law, and only upon warrants of the accounting officers of the District, and issued under the directions of the commissioners of the District, or their successors in office.

Mr. HUNTON. I move to strike out section 57 just read, because there is a provision contained in section 4 of the organic act of June 11, 1878, which covers the same ground, and which I think is better than this. I will read it:

All taxes collected shall be paid into the Treasury of the United States, and the same, as well as the appropriations to be made by Congress as aforesaid, shall be disbursed for the expenses of said District, on itemized vouchers, which shall have been audited and approved by the auditor of the District of Columbia, certified by said commissioners, or a majority of them; and the accounts of said commissioners, and the tax-collectors, and all other officers required to account, shall be settled and adjusted by the accounting officers of the Treasury Department of the United States.

That is a better provision than this section 57, and I therefore move to strike out this section.

Mr. ROBINSON. I want to suggest to the gentleman from Virginia that it seems to me the section which he has read does not cover quite all that is included in this section 57. The section to which he refers relates only to tax moneys, not to license fees, which are included in this section 57.

Mr. NEAL. License fees are regarded as taxes.

Mr. ROBINSON. This section 57 requires the treasurer to pay "forthwith" all moneys into the Treasury of the United States.

Mr. HUNTON. I think the section in the organic act is intended to cover all moneys, and the mode of disbursing is better than in this section.

The motion to strike out section 57 was agreed to.

The Clerk read the following:

PHYSICIANS TO THE POOR.

SEC. 85. The physicians for the poor, when called upon, shall attend the poor of the respective localities for which they shall have been appointed, and prescribe such medicines as may be necessary for relief, to be compounded at the stores of the apothecaries for the poor; and each of the said physicians shall give the said apothecaries orders for furnishing the medicine, stating the name of the pauper to be relieved, or the head of the family, if intended for any other member thereof, the age, color, and nativity, and that he believes the person to be a pauper, entitled to the relief of the District of Columbia.

Mr. BRIGGS. I desire to make an inquiry of the gentleman in charge of this bill. This section provides that the poor of the District shall be attended and prescribed for by the physician to the poor, and that prescriptions furnished by this physician shall be delivered by the apothecaries for the poor of the District. I desire to inquire who is to determine whether an individual is a pauper or not? What tribunal settles that? Does the physician determine it?

Mr. HUNTON. The physician for the poor, when called upon, determines that.

Mr. BRIGGS. You leave that question to him alone. Do you think he is a safe depository of that discretion?

Mr. HUNTON. I do not see where we can better put it; that has been the law of the District for many years.

Mr. WARNER. In this connection I would inquire of the chairman of the Committee on the District of Columbia whether there is anything anywhere making provision for paupers other than for prescriptions for the poor?

Mr. HUNTON. What other provision does the gentleman mean?

Mr. WARNER. I ask simply because I desire to know whether there is any provision for general relief.

Mr. HUNTON. The Washington Asylum is where the very poor are sent.

Mr. WARNER. But I notice that on the streets of this capital of the nation there are more beggars than I have ever seen in any other city of the United States. I think it is a daily disgrace, not only to the city but to the whole nation, to have them here. I was led to ask right here in this connection whether any effort has been made to rid this city of this class of professional beggars, and at the same time provide for those who are really destitute and not otherwise provided for.

Mr. HUNTON. I will answer the gentleman's question, that there is no city on earth that can rid itself of beggars.

Mr. WARNER. Oh, I beg pardon.

Mr. HUNTON. I do not know of one. There is a general provision made here for the poor, and Congress every year makes appropriations to help the very poor in this city. I know of no means by which you can stop a man from asking alms.

Mr. WARNER. They can be taken from the streets, as having no visible support but beggary, which should not be a lawful means of support. At the same time provision should be made for such as are really needy and destitute.

Mr. HUNTON. There is such provision.

Mr. WARNER. Do I understand the chairman of the committee to say that you cannot by law take these persons off the streets? Is beggary a lawful calling?

Mr. HUNTON. There is a provision to take persons off the streets and send them to the Washington Asylum.

Mr. WARNER. That is what I am inquiring about; whether there is any such provision. If there is, then I should hope the officers of the law would enforce it.

The Clerk read as follows:

TITLE III.—TAXATION.

CHAPTER I.

DEFINITIONS AND PROPERTY TO BE TAXED.

SEC. 120. The terms "real property" and "land" shall be held to mean and include not only land itself, whether laid out in town lots or otherwise, but also,

unless otherwise specified, all buildings, structures, and improvements and fixtures of whatever kind thereon, and all rights and privileges belonging or in any wise appertaining thereto. The term "personal property" shall be held to mean and include stock in public funds, including all United States, State, county, district, city, or town stock or bonds, certificates, or other securities not exempt from taxation by the laws of the United States, the capital stock of any incorporated company, the capital of any incorporated banking association or institutions, money on hand, stock in trade of merchants, manufacturers, mechanics, or tradesmen; all tangible property not included in the definition of real estate; all interests, shares, or proportions in all ships or other vessels; all other credits of any corporation or individual, after deducting therefrom the *bona fide* indebtedness; all wharf structures, and other buildings located on streets, or other real property of the United States.

Mr. HAWLEY. I move to amend by striking out in line 8 of the section just read the words "United States" after the words "including all." There are no United States bonds which are taxable; and I do not wish to convey the implication that there may be. This section speaks of United States bonds or other securities not exempt from taxation by the laws of the United States. Now there may be United States bonds not specifically exempted by any law; but nevertheless by the decisions of the courts and by the generally understood rights of a nation Government bonds are not taxable.

Mr. TOWNSHEND, of Illinois. Does the gentleman mean to deny that Congress has the right to make Government bonds taxable when they are not by the terms of their issue non-taxable?

Mr. HAWLEY. I suppose we may have the abstract right to do so; but Congress never has been and never will be foolish enough to do so.

Mr. TOWNSHEND, of Illinois. Well, that is the question.

Mr. HAWLEY. I need not discuss this; it has been argued upon every stump. The idea of a government taxing its own bonds is against all common sense. The government that proposes to tax its own bonds 1 per cent. had better make the rate of interest 1 per cent. less before issuing the bond. We have always proceeded upon the assumption that the Government did not convey and could not convey to others the right to tax its bonds. No sovereign government can afford to recognize the right to tax its bonds. Taxing income is a different question.

Mr. HUNTON. There is no question, I suppose, that if the Government of the United States issues bonds without exempting them from taxation, it is competent for the United States to tax those bonds.

Mr. HERR. Has not the Supreme Court decided that even greenbacks cannot be taxed?

Mr. NEAL. Taxation by the States is one thing; but as respects the General Government the question is different.

Mr. HAWLEY. Has the gentleman ever heard of a government that taxed its own bonds?

Mr. HUNTON. My friend will please observe that if the Government does not choose to tax these bonds, they cannot be taxed. This provision only affects such bonds as are not exempt from taxation.

Mr. HAWLEY. If the Government makes no mention of taxation in the law authorizing the issue of the bonds, would the gentleman claim that we could turn round and tax them?

Mr. HUNTON. Certainly Congress has the right to do so.

Mr. HAWLEY. Let me ask the gentleman a further question: What is the difference between taxing a 6 per cent. bond 1 per cent. and issuing a 5 per cent. non-taxable bond in the first place?

Mr. HUNTON. That is an entirely different question.

Mr. SPRINGER. I can tell the gentleman the difference. A law taxing bonds for District purposes would apply only to bonds held in this District; but when you make a deduction from the interest you deduct it in the case of a non-resident who may be in Europe or any other place.

Mr. CANNON, of Illinois. It is not proposed, as I understand, to tax any Government bonds which by the terms of the act under which they are issued are non-taxable?

Mr. NEAL. No, sir; simply those which are by their terms subject to taxation.

Mr. PRICE. Are there any such?

Mr. NEAL. Suppose there are not; cannot Congress make such.

Mr. BAKER. If Congress should in future provide for the issue of taxable bonds, we can then provide for their taxation.

The question being taken on the amendment of Mr. HAWLEY it was not agreed to; there being—ayes 13, noes 25.

Mr. ROBINSON. Without offering an amendment just now, I would like to ask a question. The pending section, in defining for the purposes of taxation "real property" and "land," declares that these terms "shall be held to mean and include not only land itself, whether laid out in town lots or otherwise, but also, unless otherwise specified, all buildings, structures, and improvements and fixtures of whatever kind thereon." Now, I would like to know where it is "otherwise specified;" that is to say, in what cases are "buildings, structures, and improvements and fixtures" on land not real estate? When are they personal property?

Mr. NEAL. We have provided here that wharf structures placed upon lands of the United States shall be considered personal property. At the end of the paragraph the gentleman will see the words "all wharf structures and other buildings located on streets or other real property of the United States."

Mr. ROBINSON. I am very glad the gentleman from Ohio has suggested that, because I was troubled a little with the last part of this paragraph, and was going to inquire whether the words "or other real property of the United States" must be taken in the same grammatical construction as the words "located on streets."

Mr. NEAL. Certainly.

Mr. ROBINSON. Then the language should read "or on other real property of the United States." The word "on" should be inserted.

Mr. NEAL. It is not necessary.

Mr. ROBINSON. That is a question.

Mr. NEAL. I will state to the gentleman that along the Potomac River the property of the United States has been taken possession of and wharves built upon it. We propose to tax that property, as well as all structures located upon the property of the United States everywhere.

Mr. BRIGGS. I wish to ask the gentleman a question. Is there any provision in the bill whereby the surplus of national banks is taxed?

Mr. NEAL. The law of the United States, incorporating national banks, exempts the banks from taxation. It is nothing but the stock which can be taxed in the hands of individual holders, and that must be appraised at its true value in money. We provide for taxation of all incorporated companies, and the capital of unincorporated companies, which includes surplus and everything.

Mr. BRIGGS. Take for instance a national bank with a capital of \$100,000, the stock divided into shares of \$100 each, the States tax the holders of that stock on a hundred dollars a share.

Mr. NEAL. No.

Mr. BRIGGS. That is its value. Now, here is a national bank which may have in its vault a surplus of three times the amount of the actual value of its stock. Does the gentleman contend that is not taxable anywhere?

Mr. NEAL. I will tell the gentleman if he will examine the law under which national banks are incorporated he will find the only way by which States and the District of Columbia can tax those banks is through the holders of that stock.

Mr. BRIGGS. I wish to say to the gentleman that while I have great confidence in his knowledge of the facts and in his legal ability, the State of New Hampshire has taxed that surplus of the banks to the banks themselves, and collected it.

Mr. TOWNSHEND, of Illinois. I think my friend is mistaken on that.

Mr. NEAL. They cannot under the law.

Mr. TOWNSHEND, of Illinois. I know in the State of Illinois the only tax is levied on the stockholder on the amount of stock which he holds without reference to the surplus fund.

Mr. REED. I suggest to the gentlemen that the value of the stock will depend upon the amount of surplus; and if there is a large surplus the stock will have a greater value; and in that way we can get at it.

Mr. TOWNSHEND, of Illinois. The surplus fund is taken into consideration.

Mr. BRIGGS. Suppose, as they do in some States, they tax it at its par value?

Mr. NEAL. Then they violate the law under which national banks are incorporated; that is all.

Mr. BRIGGS. That is your construction of it.

Mr. TOWNSHEND, of Illinois. That is the construction of the courts, that all property shall be taxed on one basis or in one ratio. If personal property is taxed only one-third of its value, bank stock is taxed only at one-third of its valuation.

Mr. NEAL. There is no question before the committee.

The CHAIRMAN. The point of order is well taken, and the Clerk will proceed to read the next section.

Mr. ROBINSON. I am just a trifle troubled about the latter part of that section; and I wish to ask the gentleman from Ohio what he understands by "buildings located on streets?" What does the phrase "located on streets" mean? I want to know.

Mr. NEAL. I do not know how it can mean anything else than what I have already stated.

Mr. ROBINSON. Do you mean on streets or alongside streets?

Mr. NEAL. Buildings sitting on the streets themselves. You have on the Potomac River wharves located upon the streets—streets occupied by wharves.

Mr. HAWLEY. Then why do you not say "on land belonging to the United States?"

Mr. WARNER. I desire to offer an amendment to come in at the end of line 12; after the words "money on hand" insert "including legal-tender notes of the United States."

Now, Mr. Chairman, we tax everywhere in the States gold and silver and national-bank notes. There is no economic reason in the world, and none can be shown by any gentleman here, why greenbacks as money should not be subject to taxation precisely the same as gold and silver and national-bank notes; but there are many reasons why they should be, not only in this District but everywhere else.

Without going into a debate on the question of currency I wish simply to say the greenback currency now permits from one to two thousand millions of capital in the form of ready money, bank deposits, &c., to escape taxation. It permits gold and silver and a large part of the money of the United States by nominal conversion into greenbacks to escape taxation, for which certainly there can be no good reason. The plea on which greenbacks have been exempted from taxation no longer exists, and that is that they are debt and debt only. Of course I dispute the proposition that they are a debt only. Grant that they are a debt, that is not all they are; they are money. They

perform all the functions of money precisely the same as gold, silver, and national-bank notes; and there is no reason why they should not be taxed the same as other kinds of money.

[Here the hammer fell.]

Mr. REED. I do not know of any law which exempts greenbacks from taxation; but there is something higher than the law, and that is the Constitution of the United States; and I think we had better have a good many more people here before we undertake to alter the Constitution of the United States and override the decision of the Supreme Court.

Mr. SPRINGER. I would like the gentleman from Maine to give me that provision of the Constitution.

Mr. REED. And I am surprised to think that my friend from Ohio has not been able to find that decision of the Supreme Court which covers this question.

Mr. WARNER. I would be very glad if my friend from Maine would point out to me that provision or that clause of the Constitution which covers his point.

Mr. REED. The decision of the Supreme Court of the United States, in 12 Wheaton; I think the case of Weston against the city of Charleston is the one that I refer to. The provisions of the Constitution to which I refer are embodied in that decision of the Supreme Court, as the gentleman will find by reference to it. The Supreme Court decided the case on the broad ground that the obligations of the United States were not taxable by any authority, and that decision is not only made as far back as Weston against the city of Charleston, but the decision has been reaffirmed in subsequent cases. Whether McCulloch vs. Maryland is earlier or later, I do not just now remember.

Mr. SPRINGER. Does not that refer to taxation of these notes by the States?

Mr. REED. No, sir.

Mr. WARNER. I believe I have the floor. I have not yielded it.

Mr. SPRINGER. I hope the gentleman will yield to permit me to ask a question.

Mr. WARNER. Very well.

Mr. SPRINGER. I ask the gentleman from Maine whether the decision to which he referred was not that these notes were not taxable by States and municipalities, but by the authority of the United States?

Mr. REED. Without stopping to discuss that point, this is an attempt to permit a municipality to impose a tax upon these notes.

Mr. SPRINGER. Not at all. This District is under the exclusive jurisdiction of the United States.

Mr. REED. This amendment proposes to allow this discretion which would inure to the benefit of the District of Columbia alone, and allows the District a privilege which no State of this Union possesses. It is a very plain case, and I will end by restating one point made by the gentleman from Illinois, [Mr. TOWNSHEND,] that if this be money, as suggested by the gentleman from Ohio, then it is already included in the phraseology of this bill, money on hand, and his amendment would not affect it. And if he has any confidence in his assertion that this is money, then I imagine that he will not insist on his amendment.

Mr. WARNER. I would have confidence in it, and have confidence in it, if that provision of the law could be carried into effect.

Mr. HAWLEY. There is no such language in the law.

Mr. REED. I will repeat the gentleman's suggestion to me and ask him to produce the law.

Mr. WARNER. Again, the decision of the Supreme Court referred to by the gentleman from Maine had reference to greenbacks as debt only, and there has been no decision covering them as money. It applied to greenbacks as debt not redeemable on demand; but now that they are redeemable at the option of the holder in coin, I hold that it has no longer any application whatever to them.

Mr. NEAL. Mr. Chairman, I make the point of order that debate on this clause is exhausted.

Mr. CANNON, of Illinois. I move to strike out the last word. I do not believe this amendment ought to be adopted for two reasons. First, it has been held by our Supreme Court that United States Treasury notes, commonly called greenbacks, are not taxable under the law by which they were issued, standing precisely upon the same ground as a bond bearing interest.

Mr. WARNER. We want to change the law in that respect.

Mr. CANNON, of Illinois. Very well. Now that law is a part and parcel of the contract between the holder of the indebtedness of the Government and the Government itself, and if you can change the law as to the indebtedness of the United States not bearing interest, with much greater propriety can you change the contract as to the debt of the United States bearing interest. Now, the gentleman from Ohio says they have the option to take coin and therefore these notes ought to be taxable. It is true the holder has the option to exchange them for coin, but under the law they are not canceled but are paid out by the Secretary of the Treasury for the current expenses of the Government, and this continues by direct provision of the law as often as they come into the Treasury.

Now, if the gentleman wants to say that the greenback is redeemed and canceled and paid off, that that contract is at an end, that they lose their legal-tender quality so far as the original law gave it to them under the war power of the Government, let him say so. I will not consent to it. It is true after you cancel the greenbacks you can,

under a law to be passed, issue Treasury notes and make them taxable, but as I understand the Constitution and the ruling of the courts you cannot make them a legal tender unless they are issued by legislation had under the war powers of the Government.

Mr. WARNER. Now will the gentleman answer me a question? Mr. CANNON, of Illinois. If I can.

Mr. WARNER. If the greenbacks are paid out as legal-tenders after such an amendment as this had been enacted or after the law exempting them from taxation had been repealed would the question of contract come in then?

Mr. CANNON, of Illinois. You are supposing a case that if a thing is done then so and so would result. I apprehend it is competent for the United States to authorize the issuing of a Treasury note under a law passed to-day, to-morrow, or next day permitting it to be taxed by the States or to be taxed for Federal purposes. When that time arrives then we will meet the question.

The formal amendment was withdrawn.

Mr. HAWLEY. I renew the *pro forma* amendment for the purpose of saying that ordinarily I would raise the point of a quorum on a question of this sort; but I will not do it to-night. I wish to say very briefly the power to borrow money, giving bonds therefor, the power to issue Treasury notes, is absolutely indispensable, is the arterial life-blood of any nation. To permit anybody to strike out or diminish that power is to aim a deadly blow at the life of the nation. But I do not raise the point of order, because I do not believe there can be a Congress assembled in these United States that will dare to pass that amendment.

Mr. WARNER. That does not touch this question at all.

Mr. HUNTON. I make the point of order that debate is exhausted.

Mr. WARNER. I renew the *pro forma* amendment. If taxed it would be not as debt, not as a loan at all, but as money. The greenbacks perform all the functions of money, I repeat, precisely the same as gold and silver, and as money, as capital, they should be taxed, and not as a debt.

Mr. BLOUNT. I would like to ask my friend from Ohio a question. Does he think it is a proper thing to tax the greenback in the District of Columbia while across the river it is not taxed?

Mr. WARNER. That is a question of policy. If begun here, it should be extended over the whole United States.

Mr. COBB. My understanding of the position of greenbacks in respect to taxation is this: they are exempt by statute from State and municipal taxation.

Mr. REED. No, sir; it is more than that.

Mr. COBB. I will read from the Revised Statutes:

Sec. 3701. All stocks, bonds, Treasury notes—

These are Treasury notes, are they not?

Mr. REED. Yes, sir.

Mr. COBB. I continue to read—

and other obligations of the United States, shall be exempt from taxation by or under State or municipal or local authority.

Now, if Congress by enactment gives the commissioners of the District of Columbia the right to tax these greenbacks, it can be done. There is no constitutional provision in the way; and there is no legal restriction in the way anywhere. As soon as the enactment is passed it repeals that portion of the law which I have read; and hence you can tax the greenbacks.

The policy of what is here proposed is another thing. Whether it is best to pass a law local in its application, giving to the District of Columbia the right to tax the greenbacks while they are not taxed or allowed to be taxed by any of the States or municipalities outside of the District is a different question.

Mr. WARNER. That is the only good reason why this amendment should not be passed.

Mr. COBB. I agree with the gentleman that that is the only good reason why the amendment should not be adopted. My opinion is that greenbacks should be taxed as other money is taxed; and if Congress will pass an act repealing the act which I have read they would be taxable.

Mr. REED. On that point I take issue with the gentleman from Indiana. The statute he has read is only a reaffirmance of the constitutional restriction which would exist without it.

Mr. WARNER. I withdraw the amendment for the reason that it is doubtful policy to tax greenbacks in the District and leave them untaxed everywhere else. But they ought to be taxed everywhere the same as any other money. Nothing but a provision of law now prevents their taxation.

Mr. NEAL. I offer the following amendment:

In line 18, after the word "located," substitute the word "in" for the word "on;" and after the word "or" insert the word "on;" so that it will read: "And other buildings located in streets or on other real property of the United States."

The amendment was agreed to.

The Clerk read as follows:

Sec. 131. The following property shall be exempt from taxation:

First. The property of the United States and of the District.

Second. The Corcoran Art Gallery, with the works of art contained therein, and all real estate now owned by said institution.

Third. The Soldiers' Home property.

Mr. HENKLE. I offer the following amendment:

After the words "the Soldiers' Home property" insert the words "Masonic Temple and Odd Fellows' Hall."

I shall not attempt to argue in favor of the amendment, the propriety of which I think will be evident to every member. The order of Odd Fellows and the order of Masons are humanitarian and charitable, as everybody knows. The chief property that they own in this District is the Masonic Temple and Odd Fellows' Hall. They are exempted from taxation in almost all large cities in the country. The same reasons that apply for their exemption in other cities apply with equal force to their exemption from taxation here.

Mr. McMILLIN. I would inquire whether these halls are rented in any way?

Mr. HENKLE. They are not rented; they belong to these orders.

Mr. McMILLIN. Do the orders rent them for any purpose?

Mr. HENKLE. They occasionally rent these halls for concerts and other public purposes, but the revenues derived from that rental are used for charitable purposes.

Mr. HUNTON. I desire to say a word or two in opposition to the amendment offered by my friend from Maryland, [Mr. HENKLE.] The policy of the Committee on the District of Columbia in framing this bill was to exempt from taxation all property held for purely charitable purposes. Now, if these Odd Fellows and Masons hold property for purely charitable purposes, then they ought to be exempt from taxation; otherwise they ought not to be.

Now, I take issue with my friend when he says that these are purely charitable institutions. I am the last man in the world to say aught against these institutions. But Odd Fellows and Masons, as all know, are charitable to themselves and to the families of their members, not to the public generally; that is, not as Odd Fellows or as Masons. They are mutual insurance companies, not in point of law but in point of fact. When parties enter these lodges of Masons and Odd Fellows they contract that in certain events they will do certain things for sick members and the orphans of former members of those institutions.

In addition to that these halls where these Odd Fellows and Masons are accommodated are connected with stores underneath, almost invariably, and those stores and their halls are rented for public exhibitions. Now, why the property of these institutions should be exempt from taxation more than other property I cannot for the life of me see. If A, B, and C own property conjointly they have to pay taxes upon it. But if A, B, and C are Odd Fellows or Masons, and own this property as such, then it is proposed to exempt them from taxation upon it. Now, I do not see the reason or the propriety of any such exemption.

We considered in the Committee on the District of Columbia that we were not authorized to make the proposed exemption list very large, lest the revenues of the District should fall short of the needs of the District government.

Mr. PRICE. I move to amend the amendment by adding to it the words "and the real estate belonging to the Young Men's Christian Association;" that is, Lincoln Hall.

Mr. HENKLE. In reply to what has been said by the chairman of our committee, I want to say that the revenues of these orders, whatever they may be, derived from the rental of their halls or other property, all go into the general treasury of these orders and are devoted to the same charitable and laudable purposes as their general fund.

Now the truth is that these orders are generally poor and in debt, and their funds are inadequate to meet the demands upon them for the charities which they are in the habit of supplying to those who are the beneficiaries of their respective orders. The gentleman from Virginia says that the charity of these orders is exclusive, and limited to the members or families of the members of these several orders. If it is exclusive in that sense, it is generally beneficial, because to the extent that they aid the members and families of their respective orders they benefit the general community by taking that much of the burden of taxation that would otherwise fall upon the general community. I repeat that this exemption from taxation is common in other States and cities, and I hope it will be adopted here.

Mr. CANNON, of Illinois. A single word upon the amendment, as well as upon the section. I am not in favor of the amendment, for the reason that I do not believe that the people who do not indorse these or any other similar organizations should be virtually compelled to assist in their support.

I know that these orders have magnificent charities. I have great sympathy with the objects for which they are instituted. I admire them; perhaps I have a stronger feeling than admiration for them. Yet there are people who have not that admiration, and who desire to dispense their charities and do their good through some other organization, perhaps not a secret one.

Mr. BLOUNT. Is this character of property exempt from taxation in your State?

Mr. CANNON, of Illinois. I think it is not exempt in my State, and I do not think it ought to be exempt in any State. Some people as a matter of conscience are opposed to all organizations of this kind. They have just as much right to be opposed to this way of administering charity as I have the right to be in favor of it. I have no right, and the majority has no right, to impose upon those people who are conscientiously opposed to this way of administering charity the burden of assisting in supporting these institutions.

Now, I would go further and strike out this whole section; not that I do not indorse the work of churches, but all people do not belong to the same church. Some belong to different churches than

others; some churches have more extensive property than others, and some people do not belong to any churches at all.

Mr. PRICE. They ought to.

Mr. CANNON, of Illinois. The gentleman says they ought to. I think they ought, but still they have the right to do just as they please about it.

I have great sympathy with the churches and have no war to make upon them; but after all, in this country, under our Constitution, I believe that each man everywhere should contribute upon his own free motion to the support of churches and of charities, and should not be compelled to contribute in either a direct or an indirect way for their support.

I submit that the power to exempt certain property from taxation throws the burden which it would bear if taxed upon other property that is taxed, and is equivalent to taxing other property for its support.

[Here the hammer fell.]

The question being taken on Mr. PRICE's amendment to the amendment, it was not agreed to.

Mr. DE LA MATYR. I move to amend the amendment by striking out the last word. I wish to reply briefly to my friend from Illinois, [Mr. CANNON.] The churches of this land constitute a vast system of education indispensable to our institutions. No man will question that. This system of education, just as important to our institutions as our common-school system, is sustained solely by the benevolence of a small class of individuals who pay their taxes for the common-school system on all their remunerative property just as fully as other men. They help to bear all the ordinary burdens of the State and at the same time assist in supporting this grand system of education without which our institutions cannot stand. I ask is it just to tax this small class of benevolent persons for this work indispensable to the State? I do not believe that the State ought to tax itself to support the church; nor do I believe that it ought to tax the church to support itself.

Mr. HUNTON. I wish to say that if the pending amendment be adopted it will be an enlargement of the list of exemptions. The amendment applies to Odd Fellows' property and Masons' property.

Mr. HENKLE. Two buildings here in Washington.

Mr. HUNTON. Never in the history of this District have Odd Fellows' property and Masons' property been exempt from taxation. If the list of exemptions is to be enlarged by this amendment and other amendments indicated here to-night, and of which we have had notice, the revenues of the District will fall short. For this reason, and for the other reasons which have been presented in opposition to the amendment, I hope it will not be agreed to.

Mr. TALBOTT. Mr. Chairman, in the State of Maryland and, so far as I have able to ascertain, in all the States of the Union, property belonging to the Order of Odd Fellows and to the Masonic fraternity has always been exempt from taxation.

Mr. NEAL. It is not so in Ohio.

Mr. TALBOTT. Then Ohio is an exception to the general rule. These associations are charitable organizations. It is true that their charities are conferred first on their own membership; but from the information I have been able to gather, all proper objects of charity, whether the persons needing relief are members of the fraternity or not, are recipients of whatever these associations are able to bestow. They are recognized as charitable institutions all over this land, even in the State of Ohio, though their property in that State may not be exempt from taxation. I hope the amendment of my colleague [Mr. HENKLE] will be adopted.

The question being taken on the amendment of Mr. HENKLE, it was not agreed to, there being—ayes 16, noes 34.

The Clerk read as follows:

Fourth. All church property, held and used exclusively for religious worship. All property, real and personal, the rents, issues, and profits of which are used exclusively for the endowment or support of institutions for the free education of youth, shall be exempt from taxation as long as such property, or the rents, issues, profits, and income thereof shall be used and applied exclusively for the support of free education.

Mr. SPRINGER. I move to amend the paragraph just read by striking out, in line 12 and line 15, the word "free," before the word "education." This paragraph will then provide in effect that the property of all institutions for the education of youth shall be exempt from taxation. In its present form the exemption is confined to institutions for free education.

Mr. WILSON. I suggest that the gentleman also strike out the word "support."

Mr. SPRINGER. That amendment I do not think material, though I have no objection to accepting it.

Several educational institutions in this city which under the provision as it stands would be subject to taxation will be exempt if my amendment be adopted. In my view all these institutions for the instruction of youth ought to be regarded as a part of the governmental system of education; and as the instruction of youth is essential to the proper administration of a free government all such institutions should be exempt from taxation. Persons who give their means to the support of these institutions are contributing to the best interests of the Government itself, and the Government ought not to compel them to pay taxes upon contributions which are in fact an aid to the Government. The education of the people is absolutely essential to the preservation of a Government like ours. We submit

all questions to popular decision, and this decision to be worth anything must be based upon an intelligent understanding of the question.

These educational institutions to which my amendment will apply are not managed for the profit of any individual. Only such sums are charged as will pay the expense of their support, and persons who contribute to their maintenance should not be taxed upon their contributions.

Mr. ROBINSON. Does the gentleman understand the word "institutions" as applying to incorporated institutions?

Mr. SPRINGER. I understand it to mean and to apply to institutions established for the purposes of education.

A MEMBER. Public or private?

Mr. ROBINSON. It will apply to an individual coming here to teach school.

Mr. HUNTON. Unquestionably it will.

Mr. SPRINGER. I think it would apply to any property used exclusively for educational purposes, and that property should be exempt from taxation.

Mr. ROBINSON. The reason why I asked the question is that the word "institution" would seem to throw that in great doubt.

Mr. SPRINGER. It says all property, real or personal. Education is a good thing and I wish to support it.

Mr. HUNTON. Mr. Chairman, I rise to oppose the amendment, and on the same grounds partially on which I opposed the amendment last offered. I am at a loss to know upon what principles a man who sets up one sort of business in the District of Columbia shall be taxed, and another man who sets up another character of business in the District shall be exempt from taxation. I see no reason for it.

These institutions or these individuals who come to the District of Columbia to open schools do it as a matter of business. It is a money-making business to many of them, and very many of them would not pursue it a day if it was demonstrated there was no money in it. Upon what principle do you tax merchants and exempt school-masters?

Mr. SPRINGER. You tax the public to support the schools here.

Mr. HUNTON. My friend from Illinois says education ought to be encouraged and every institution of learning ought to be exempt from taxation because people ought to be educated and because they are the persons who decide all questions at elections. Mr. Chairman, I am an advocate of education, but I never knew the Government afforded to the youth of the country opportunities for an academic and collegiate course. We provide free schools and the people are taxed to sustain them, but they are open to all; and there is no money made out of it. But when you come to higher branches of education, such as these institutions afford, I say they ought to pay tax on their property like other people.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. HUNTON. Certainly.

Mr. McMILLIN. Is it not a fact that some of these institutions are used as residences for the teachers as well as for the purposes of teaching?

Mr. HUNTON. I think it is likely.

Mr. McMILLIN. So, then, it would give to these teachers homes free from taxation?

Mr. HUNTON. That is true, sir; it would give the teachers an exemption from taxation so far as their residences are concerned.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BLOUNT. I rise, Mr. Chairman, to offer a substitute for the proposition of my friend from Illinois. I ask the Clerk to read section 147 of the Revised Statutes, which is the present law, and which I move as a substitute for the pending paragraph.

The Clerk read as follows:

SEC. 147. All churches and school-houses, and all buildings, grounds, and property appurtenant thereto, and used in connection therewith in the District, and any cemetery therein, held and owned by a religious society, having a regular and known place of worship, or by any incorporated association, shall be exempt from any and all taxes or assessments, national or municipal.

Mr. BLOUNT. I offer that for this reason—

Mr. SPRINGER. That does not cover the question of education.

Mr. BLOUNT. I submit that it does, for it is under that section every college and school in this city is to-day exempted from taxation. I am sure the matter is satisfactory to parties interested.

My friend from Virginia says there is no reason why the private schools or colleges in this city should be exempt from taxation any more than an individual, or any more than you would exempt a merchant or physician or attorney. I submit there is every difference. Here is the truth: your private institutions are staggering and almost driven out of your District by your free-school system. In my own city, and other cities, they are stricken down in their business by your free-school system. There is no other person, no physician, no lawyer, who by Government action is stricken down in any such way.

It stands on an entirely different footing, and when gentlemen come here into this city with their private institutions of learning, and colleges are erected and you set up competition by your free institutions and strike down their business, you have gone far enough. I say that we ought not to go any further and tax those very people, those very private schools and institutions, to help build up the competition which is striking them down. I believe, sir, in view of the

liberal policy which has been inaugurated in this District, every movement toward education, whether it be your free school or private schools or colleges, whatever they may be, should be treated in exactly the same manner.

I trust, sir, that we are not going back on the policy that has been obtaining here for the past ten years, a policy that has been eminently productive of good results. Take Howard University as an example. The Government has given large sums of money to that institution for its endowment. It has appropriated year after year for its maintenance, and we voted in the last Congress \$15,000 for its support. I ask are you now going to withdraw the Government aid from it and let it fail? Or are you going even further and not only withdraw your aid but impose a tax upon it, when it is a matter of doubt that it can sustain itself under the most favorable circumstances? For one, sir, with the large appropriations which are made toward free education in this country, I trust that all such institutions in this District will not be crushed out of existence. I am in favor of the utmost liberality where the educational interests of the people are involved.

And now a word upon another point. The plea has been made here that there are already too many exemptions in the District, and yet there is a complaint of illiberality on our part. Sir, there is no city in this Union favored as Washington is to-day in some respects. The appropriation bill lately reported by my friend from Indiana [Mr. COBB] covers \$3,000,000 to be paid out of the public Treasury for the support of this District.

Mr. McMILLIN. Will not this amendment favor it more?

Mr. BLOUNT. That I am not discussing now. But when you touch the question of liberality toward the District, I say when you are paying one-half of the taxes, it does not lie in her mouth to complain of illiberality.

Mr. SPRINGER. I rise to a point of order, that this discussion applies to a portion of the bill which has not yet been reached.

Mr. BLOUNT. There is a provision in reference to cemeteries that may be stricken out when it is reached, and this proposition of mine is not in the nature of an amendment but a substitute for the whole section.

Mr. SPRINGER. I would like to hear the substitute read.

The substitute was again read.

Mr. WILSON. Mr. Chairman, I rise to support the substitute of the gentleman from Georgia. I agree in all that has been so well said by the gentleman, and fully concur with him in his views upon this subject. I hope the policy that has been adopted and pursued for the last twenty-five years in the wisdom of Congress is not now to be changed.

It has been flung into the teeth of the democratic party for years that they are the opponents of education. The point has been made and repeated that the republican party has ever been the champion of education, and that the democratic party is opposed to it. I hope the democratic party will not permit that charge to remain unanswered. Its history in the past has shown that it is not true, and I hope the present occasion, when the educational interests of this District are involved, will prove no exception to that history. Twenty years ago, sir, this subject entered into the consideration of Congress. A policy was adopted then substantially the same as that now proposed in this substitute of the gentleman from Georgia. When the democratic party came into power the very first legislation was in reference to the exemption from taxation of property used for educational purposes. The following words will be found in the law:

And, third, such property as is now exempt from taxation under the law of the United States.

I read from page 84 of the United States statutes of 1875, volume 19. I will not take the time of the House by reading at length. Gentlemen can see for themselves what was then done.

Two years after that date, when the next Congress came in, a similar provision was passed exempting from taxation all such property exempt under previous laws. These colleges and institutions of learning in this District are not realizing any profit. On the contrary, it is a well-established fact that they are barely able to sustain themselves. That being the condition of affairs it would seem to be a hardship to impose upon them an additional tax at this time.

Mr. Chairman, during the fifteen years that the republican party had undivided sway in both branches of Congress they manifested toward the schools and colleges of the District a liberality that was highly commendable and one which I should not object to see the democratic party follow to-day.

It is wise and well to continue it. It is humane. It is important to maintain these institutions, and in their behalf I favor the utmost extent of liberality commensurate with public interests. I hope the substitute of the gentleman from Georgia will be adopted.

Mr. NEAL. Mr. Chairman, I move to strike out the last word.

Mr. SPRINGER. Would that be in order, as there is an amendment to an amendment pending?

The CHAIRMAN. The Chair understands the gentleman from Georgia offers a substitute for the amendment.

Mr. NEAL. Then I move to strike out the last word of the substitute.

Mr. Chairman, the committee do not comprehend the scope of this provision.

Mr. BARBER. What committee?

Mr. NEAL. The Committee of the Whole House; that is the only committee here.

Mr. BARBER. I thought the gentleman possibly referred to the Committee on the District of Columbia. [Laughter.]

Mr. NEAL. This clause provides that all property, real or personal, the rents or profits from which are used exclusively for the endowment or support of institutions of learning for the free education of youth, shall be exempt from taxation in the District as long as such property, or the rents, profits, &c., shall be used and applied exclusively for the support of free education. Now, that includes not only the buildings, but all property which they may have or rent for the uses prescribed in that section.

Mr. SPRINGER. I would like to ask the gentleman if there is any such institution in the city of Washington; I mean any institution which would come under the provisions of that fourth clause of this section?

Mr. NEAL. I do not know whether there is or not. We have not drawn this bill with reference to existing institutions, or with reference to what may be in the future.

Mr. SPRINGER. There is no such institution in the District, and I do not believe there is such a one in the United States.

Mr. NEAL. I will tell the gentleman there is such an institution in the District.

Mr. SPRINGER. What is its name?

Mr. NEAL. I refer to the Columbian Law College. It has a building which it rents and the profits go to that institution.

Mr. SPRINGER. They charge for tuition.

Mr. NEAL. Certainly they do. And if you strike out the word "free," the property of Columbian Law College will be exempt from taxation.

Mr. SPRINGER. I refer to institutions for the free education of youth.

Mr. NEAL. You propose to strike out the word "free."

Mr. SPRINGER. The gentleman has misunderstood me. I stated there is no institution in the District for the free education of youth, or anywhere else that I know of, supported by private individuals.

Mr. NEAL. I know this: there are institutions of learning that are run for purposes of profit to the gentlemen who have charge of them. There are, for example, the Columbian Law College, a medical institute, and some others which might be named. And if you adopt the amendment of the gentleman from Illinois you will exempt from taxation all their property, property which they have rented, and from which they receive an income. There is no reason in the world why the Columbian Law College should not pay taxes upon its property.

Mr. BLOUNT. I wish to ask my friend from Ohio if those very rents do not go to support the professors?

Mr. NEAL. I do not know what they go for.

Mr. BARBER. Will the gentleman from Ohio yield to me for a question?

Mr. NEAL. I have only five minutes, and two minutes of my time have already been taken up by other gentlemen. I will suggest an amendment to the language of this clause, so that it shall distinctly provide that whenever there is property that is rented, and the rents, issues, and profits thereof go for free education, then that property shall be exempted; but if they go for other purposes than free education, then it shall pay taxes, except the buildings of these institutions, the property they occupy exclusively for educational purposes.

Mr. SPRINGER. I rise to oppose the formal amendment.

Mr. CANNON, of Illinois. I had risen for the same purpose.

Mr. SPRINGER. I will leave my colleague two-thirds of my time. I wish to say to the gentleman from Ohio [Mr. NEAL] that he does not seem to understand me. As this clause now stands it would not apply to any institution in the District of Columbia. Nor do I believe it would apply to any institution in the United States if this law should be extended so far. I know of no private institution for the free education of youth. All free schools are public schools, and supported by the Government; and those of course are exempt from taxation, because the property itself belongs to the State or to the District. But as the provision here stands, it is utterly worthless. You may strike it out entirely, and it will not change anything, because there is no institution of the kind owned by private individuals for the free education of youth. To make the provision practical, I propose to strike out the word "free." I yield the remainder of my time to my colleague.

Mr. CANNON, of Illinois. I desire to have my own five minutes, and if the gentleman from Ohio [Mr. NEAL] will withdraw the formal amendment I will renew it.

Mr. NEAL. I withdraw the formal amendment.

Mr. CANNON, of Illinois. I renew it.

I am opposed to the amendment of my colleague from Illinois, but perhaps upon a broader ground than has been spoken of, at least in my hearing. I allow no man to have a greater admiration for general education for all the people than myself. If I had power I would make that education in this Republic of ours compulsory. But I would not educate by compulsory means or at the expense of all the people unless the system applied to all the children of the country; unless at least the option was given to them, and unless they could be under the control in these institutions of the body-politic of teachers selected under general law, paid for by taxation levied by general law upon

property everywhere. This clause, however, as it stands in the bill, provides for exempting from taxation institutions which are used for free education both as regards the real property and the personal. The amendment of my colleague is to strike out the word "free."

Now, let us see where that will lead us to. If you strike out the word "free"—and I am not sure but the whole provision ought to be stricken out—if you strike out the word "free" it allows anybody to endow an institution in this District with ten millions or five millions or one million or one hundred thousand dollars—it makes no difference as to the amount—and there to pursue a certain line of education if you please.

Mr. SPRINGER. Would you prohibit him from endowing an institution?

Mr. CANNON, of Illinois. I would prohibit nothing that a man has a right to do in this Republic of ours without violation of law. I am speaking now of conducting this course of education at the public expense. To illustrate: it pleases me with my views to send my daughter to an Episcopal school where I pay tuition. That is my business; it is my money that pays it. There is a certain kind of moral and religious education, a training, which I pay my money for and which I have a right to pay it for.

But I have no right, directly or indirectly, to tax my Catholic friend or my Methodist friend or my Presbyterian friend to support that school, and thereby help to educate my daughter in that way. So it should be in my opinion everywhere. I will go as far as anybody to give a high grade of education to all children in this country; compulsory if you will, permissive if you please, if you are not ready yet for compulsory education. But let all stand alike.

One other thing. This is a pretty broad provision—"all institutions for education." What kind of education? Why, sir, in many well-ordered schools now I believe, at least in many schools of the higher grade, there is a dancing-master. Dancing is a kind of education. You have it in your Military Academy and in your Naval Academy and you have it in almost all your higher schools. Are you going to exempt from taxation Marini's real estate, which is used, or rather the building is, for teaching dancing, singing, and etiquette, and also Sheldon's dancing-academy? They are covered by the terms of this bill.

Now there is no man with less prejudice upon religious matters and other matters than myself. I think I am pretty broad in my views upon all these subjects, having great charity for everybody, those who agree with me and those who do not agree with me. But I am not here to impose a burden upon anybody to help support an institution which they cannot conscientiously indorse.

[Here the hammer fell.]

Mr. HAWLEY. I wish to call attention to a possible construction of this paragraph. It proposes to exempt from taxation institutions that are rich enough to be able to educate children free of charge; but if they are not rich enough for that, and have to charge a little something for tuition, then they are to be taxed. Is not that so? Precisely. If they are well endowed, rich, able to take pupils for nothing, then they shall not be taxed. But if they are like most of the institutions that I know anything about and have to charge tuition, at least to those who can afford to pay it, then they are to be taxed. Now, I say with all due respect that such a proposition is ridiculous.

I would change the paragraph; it would satisfy me to strike out the word "free" where it occurs twice and put in the word "incorporated" before "institution." That would make it really and substantially the proposition that is now before the House and the old law; and I think it would perhaps be better than the old law with those two changes.

My friend from Illinois [Mr. CANNON] makes the point with some considerable force that some of these institutions are Catholic, some are Episcopalian, some are Presbyterian, &c. I know that. But if there be only a Presbyterian or a Baptist institution, the door is wide open for the Catholics or the Episcopalians to establish their colleges, and they will be exempt also from taxation.

I am happy to say that my State furnishes free education for every child in the State, and has a compulsory law to compel the attendance of those children at school. Then we have colleges there. The Episcopalians established one there some time ago, and besides their college buildings and grounds they have a block of buildings in my town, free of taxation. The Baptists have a large seminary there which is free from taxation, and the Methodists have an institution there and their buildings are free from taxation. If there is any other denomination we will bid it God speed in building up an academy or college, and we will let their property be free from taxation, because there is nothing in the world that we can do for our land better than to encourage education, both moral and mental.

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. CANNON, of Illinois. I withdraw the amendment which I offered.

Mr. NEAL. I renew it. The proposition of the gentleman from Connecticut [Mr. HAWLEY] resolves itself into just this: if there are some rich people who have got together and become incorporated, and have established a fine seminary or a college for any purpose whatever, whether for medical education or education in law, or education of any kind, then they are to be exempt from taxation. But

if a poor woman comes here into the city and establishes a school with the most benevolent purpose in the world, she must be taxed. I do not myself appreciate that sort of benevolence.

I do not understand the justice or equity of that kind of law. If we are going to exempt institutions of learning let us exempt such institutions as Mrs. Archer's school and Mrs. Smith's school.

Mr. HAWLEY. Will the gentleman allow me to make a correction? In this District we open public schools which are absolutely free; every child can go there.

Mr. NEAL. I understand all that, but the gentleman said that he would exempt all chartered or incorporated institutions. Yet he would require these poor women who are doing just as good a work as our chartered institutions, and a great deal better than some of them, to pay taxes.

Mr. BAKER. What harm will be done if we continue the law on this subject which has been in force for fifteen or twenty years?

Mr. NEAL. I do not know that any harm will be done.

Mr. BAKER. Then, let us do it.

Mr. NEAL. I know that the Columbian Law College, which rents offices in its building to lawyers and others, will be exempt from taxation under this proposition. I am not in favor of that.

Mr. RANDALL, (the Speaker.) Will the gentleman allow me to ask a question? He has alluded twice to the Columbian Law School. I would like to know whether that is connected with the Columbian College on Fourteenth street?

Mr. BLOUNT. I understand it is.

Mr. NEAL. That is my understanding.

Mr. RANDALL, (the Speaker.) Then I wish to say that the Columbian College has had great difficulty in getting along. Within a few years it has been extricated from the most severe embarrassment by the liberality of one of the most eminent citizens of Washington. That institution is ill able to bear taxation. I do not want that Baptist association brought in here as an argument in favor of taxing this college.

Mr. NEAL. I would like to know why the people of the District of Columbia should be taxed to educate the gentleman's sons or some other man's sons in the law?

Mr. RANDALL, (the Speaker.) This provision as proposed to be amended by the gentleman from Georgia [Mr. BLOUNT] and as advocated by the gentleman from West Virginia [Mr. WILSON] has been the law for ten years; and I would like to know whether during this whole period any tax-payer has objected to these exemptions? If so, he has never, to my knowledge, come to Congress with his complaint.

Mr. NEAL. I do not know whether tax-payers have objected or not; but I say that there is no sound principle of legislation which will justify the exemption of a building like the Columbian Law Building from taxation.

Mr. RANDALL, (the Speaker.) I believe the policy of this country and this Government should be to promote education, to encourage moral and religious training in every direction. This being done, we secure the greatest possible good to the greatest number.

Mr. NEAL. Then I understand the gentleman from Pennsylvania to hold that the public ought to pay for educating young men in the law.

Mr. RANDALL, (the Speaker.) I believe that a great government like this should see that its citizens are educated in every direction; for education brings contentment and happiness, and it is the purpose of all government to bring to its citizens contentment and happiness.

Mr. SPRINGER. In order that the law which has been in force for the last ten years may be continued, I withdraw my amendment, so that the amendment of the gentleman from Georgia may be adopted.

The CHAIRMAN. The substitute proposed by the gentleman from Georgia [Mr. BLOUNT] for the fourth paragraph will be read.

The Clerk read as follows:

All churches and school-houses and all buildings, grounds, and property appertaining thereto and used in connection therewith, in the District, and any cemetery therein, held and owned by a religious society having a regular and known place of worship, or by any incorporated institution, shall be exempt from any and all taxes or assessments, national or municipal.

Mr. ALDRICH, of Rhode Island. I suggest that the gentleman strike out the clause in regard to cemeteries, as that matter is provided for in another part of the bill.

Mr. BLOUNT. I have no objection to the modification suggested by the gentleman if he thinks the committee have agreed on a better provision.

Mr. ALDRICH, of Rhode Island. We have, because we provide that cemeteries used for purposes of profit or speculation shall be taxed.

Mr. BLOUNT. Very well; I modify my amendment by striking out the words "and any cemetery therein."

Mr. HUNTON. The gentleman from Georgia will allow me to make a suggestion. His substitute concludes with the words "shall be exempt from any and all taxes or assessments, national or municipal." Now, that language is unnecessary, because in this part of the bill we are under the head of exemptions.

Mr. BLOUNT. Very well; let those words be struck out.

The CHAIRMAN. The substitute of the gentleman from Georgia, as modified, will be read.

The Clerk read as follows:

All churches and school-houses, and all buildings, grounds, and property apper-



taining thereto, and used in connection therewith, in the District, held and owned by a religious society having a regular and known place of worship, or by any incorporated institution.

The amendment of Mr. BLOUNT was agreed to.

Mr. ALDRICH, of Illinois. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. BURROWS reported that the Committee of the Whole on the state of the Union, having had under consideration the bill to establish a revised code for the District of Columbia, had come to no resolution thereon.

Mr. KLOTZ. I move that the House adjourn.

The motion was agreed to; and accordingly (at eleven o'clock and fifteen minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of the German Society of New York, for legislation for the protection of immigrants arriving in the United States—to the Committee on Foreign Affairs.

By Mr. BALLOU: The petition of pensioners of the late war, against the passage of a bill providing for a traveling court for pensioners—to the Committee on the Payment of Pensions, Bounties, and Back Pay.

By Mr. BERRY: Resolution of the Legislature of California, asking the enforcement of the eight-hour law—to the Committee on Education and Labor.

Also, resolutions of the Legislature of California, relative to the establishment of a first-order light and steam fog-signal station at Point Saint George, California—to the Committee on Commerce.

Also, resolution of the Legislature of California, asking that a quarantine depot be established on one of the islands in the Bay of San Francisco, California—to the same committee.

By Mr. DAGGETT: A letter from Mrs. E. B. Custer, widow of the late General George A. Custer, protesting against the passage of a bill providing for the erection of a statue of her late husband in the city of Washington, a duplicate of the one of him at West Point—to the Committee on Public Buildings and Grounds.

By Mr. DAVIDSON: The petition of citizens of Calhoun County, Florida, for an appropriation for the improvement of the Chipola River—to the Committee on Commerce.

By Mr. GILLETTE: The petition of C. A. Wool and 78 others, citizens of Manistee, Michigan, against the passage of the Wood refunding bill, and for the passage of the bill providing for the payment of the public debt—to the Committee on Ways and Means.

By Mr. HERR: The petition of citizens of Michigan, that certain public lands in that State be open to entry under the homestead laws or by cash entry—to the Committee on the Public Lands.

By Mr. HULL: The petition of citizens of Jacksonville, Florida, for the removal of the duty on salt, and that the same may be placed on the free list—to the Committee on Ways and Means.

By Mr. KETCHAM: The petition of William Tracy, of Poughkeepsie, New York, for the passage of the sixty-surgeon pension bill—to the Committee on Invalid Pensions.

By Mr. KLOTZ: The petition of citizens of Roaring Creek, Columbia County, Pennsylvania, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Columbia County, Pennsylvania, for legislation regulating freight charges on railroads and to prevent unjust discrimination—to the Committee on Commerce.

By Mr. LORING: The petition of Goodrich & Porter and other firms and business men of Haverhill, Massachusetts, for the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. MONEY: The petition of Judd & Detweiler, for compensation for the destruction of the Post-Office Gazette by the publication of the Official Postal Guide—to the Committee on the Post-Office and Post-Roads.

By Mr. MORTON: The petition of Cary, Yale & Lambert, Thomas Michel, William Miller & Son, and 27 other firms of New York City, for the passage of the bill (H. R. No. 5600) to amend the Revised Statutes so that the duties on imported sugars shall be assessed upon the quantity delivered from the warehouse—to the Committee on Ways and Means.

By Mr. MURCH: The petition of Felix Maire and 26 others, citizens of Allegheny County, Pennsylvania, for the passage of the bill (H. R. No. 1383) for the creation of a national bureau of labor statistics at Washington, District of Columbia—to the Committee on Education and Labor.

By Mr. ORTH: The petition of 264 soldiers of Fountain County, Indiana for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. PHELPS: The petition of E. E. Hubbell & Son and others, of Bridgeport, Connecticut, for the passage of the bill amending section 2983 of the Revised Statutes, relating to the duties on sugar—to the Committee on Ways and Means.

By Mr. PRICE: The petition of citizens of Iowa, for the passage of a law prohibiting the sale of oleomargarine as butter, and that its manufacture and sale be placed under the supervision of the National Board of Health—to the Committee on Manufactures.

Also, the petition of citizens of Iowa, that salt be placed on the free list—to the Committee on Ways and Means.

By Mr. STEVENSON: The petitions of F. Oterkoetter & Co. and of W. K. Dodson, of Bloomington, and of J. & G. Herget, of Pekin, Illinois, for the passage of the Carlisle revenue bill—to the same committee.

By Mr. SPRINGER: The petition of Louis Huber and 72 others, citizens of Pleasant Plains, Illinois, against the passage of the Wood refunding bill, and for the passage of Mr. GILLETTE's substitute therefor—to the same committee.

By Mr. WELLS: Three petitions of citizens of Saint Louis, for the passage of the Carlisle revenue bill—to the same committee.

By Mr. WISE: The petition of J. W. Morrison and about 300 others, soldiers, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

#### IN SENATE.

THURSDAY, April 22, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

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

#### ENROLLED BILL SIGNED.

The VICE-PRESIDENT signed the enrolled bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883, which had previously received the signature of the Speaker of the House of Representatives.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of citizens of New Hampshire, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was ordered to lie on the table, the bill having been reported.

He also presented resolutions of the American Numismatic and Archaeological Society of the city of New York, in favor of the admission of classical antiquities free of charge; which was ordered to lie on the table, the bill relative to the subject-matter having been reported.

Mr. HARRIS presented the petition of the German Society of New York, asking the passage of a bill for the protection of arriving emigrants; which was referred to the Committee on Foreign Relations.

Mr. McMILLAN presented a petition signed by Henry M. Rice, A. S. Elfelt, J. H. Stewart, T. M. Newson, David Day, John Farrington, D. A. Robertson, Franklin Steele, John B. Sanborn, Henry F. Masterston, Orlando Simons, and R. R. Nelson, citizens of Minnesota, praying that six hundred and forty acres of land may be granted Anson Northup, a citizen of that State, in consideration of long, perilous, and valuable service rendered to the United States; which was referred to the Committee on Military Affairs.

Mr. ROLLINS presented the petition of N. F. Mathes and 70 others, citizens of Portsmouth, New Hampshire, praying the passage of the bill (H. R. No. 3743) to provide for the relief of navy-yard employes who shall become disabled while employed in the line of their duty; which was referred to the Committee on Naval Affairs.

#### REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1478) for the relief of Lizzie D. Clarke, administratrix of the estate of Thomas L. Clarke, deceased, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 5524) to establish post-routes, which was reported by that committee and recommended and printed, to report it with certain amendments.

I gave notice on a former day of the session that on to-morrow morning I should ask unanimous consent of the Senate to put this bill on its passage. That request was made on behalf of the committee, and the time given until to-morrow, and I ask that the bill be laid on the table.

The VICE-PRESIDENT. It will be placed on the Calendar.

#### CYRUS B. INGHAM AND OTHERS.

Mr. PLUMB. I am instructed by the Committee on Public Lands to report back the bill (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the Territory of Dakota; Harvey Bryant and Guilford A. Wood, of Kansas; and Richard Parker, of Minnesota, with an amendment, and as this is a bill which ought to receive immediate consideration and only affects some four or five persons named in the bill and the amendment, I ask that it be considered at this time.

The bill was, by unanimous consent, considered as in Committee of the Whole.

Mr. CAMERON, of Wisconsin. Is there a written report.

Mr. PLUMB. There is no written report. I will simply state the facts. These persons for various reasons, having made entries and having taken separate steps for taking out patents, one of them by