

By Mr. HENDERSON: The petition of E. Finley and 27 others, citizens of De Pue, Illinois, praying that lumber be placed on the free list—to the same committee.

By Mr. HEPBURN: The petition of James M. Kelley and others, citizens of Iowa, asking that lumber be placed on the free list—to the same committee.

By Mr. A. S. HEWITT: The petition of S. L. M. Barlow, Benjamin B. Sherman, and others, bankers and capitalists of New York, for the application by contract of the grant of \$400,000 made by Congress four years ago for the improvement of the Harlem River—to the Committee on Commerce.

By Mr. HUBBELL: The resolutions adopted by the Cigar Manufacturers' Association of Detroit, Michigan, asking for immediate action on the question of the reduction of tax on tobacco—to the Committee on Ways and Means.

By Mr. JOYCE: The petition of E. M. Knox and others, protesting against any reduction in internal-revenue taxation until all just claims of soldiers of the late war are adjusted—to the same committee.

By Mr. KENNA: The petition of Mrs. Catharine Miller, for a pension—to the Committee on Pensions.

By Mr. MCKENZIE: The petition of Harriet E. Pope, of Ohio County, Kentucky, for a pension—to the same committee.

By Mr. R. M. McLANE: The petition of Christopher Johnston, M. D., and 32 others, physicians and surgeons of Maryland, for the erection of a fire-proof building for the use of the Army Medical Museum and library, the completion of an index catalogue, and protesting against any separation of the library and museum—to the Committee on Public Buildings and Grounds.

By Mr. MOREY: The petition of citizens of Middletown, Ohio, for early action by Congress on the question of the proposed reduction of tax on tobacco so as to relieve the trade from uncertainty—to the Committee on Ways and Means.

Also, the petition of Thomas L. H. Ross, David Hufford, and E. Brown, remonstrating against any reduction in internal-revenue taxation until debt due pensioners and other obligations of the Government are paid—to the same committee.

By Mr. PARKER: The petition of William H. Cox and others, for the enactment of a law for the equalization of bounties—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. PEELLE: The petition of Dr. O. S. Runnels, John C. Shoemaker, W. R. Holloway, William H. English, John H. Holliday, William P. Fishback, and 160 others, citizens of Indianapolis, Indiana, for the enactment of a law making all qualified physicians of whatever school equal before the law in the Government service including the Army and Navy—to the Committee on the Judiciary.

By Mr. PEIRCE: The petition of B. F. Bonebrake and 7 others, retail dealers in tobacco of State Line City, Indiana, asking that a rebate be allowed for stock on hand if any reduction is made in the tax on tobacco—to the Committee on Ways and Means.

By Mr. SIMONTON: Papers relating to the claim of H. B. Wilson, administrator of the estate of the late William Tinder—to the Committee on Claims.

By Mr. SPAULDING: The resolutions adopted by the Detroit (Michigan) Cigar Association, relating to the tax on tobacco—to the Committee on Ways and Means.

By Mr. WASHBURN: The petition of L. K. Stannard, A. L. Reynolds, W. H. C. Folsom, and many others, expressing their disapproval of the enactment of any law reducing internal taxation on intoxicating liquors and tobacco—to the same committee.

SENATE.

TUESDAY, December 19, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
The Journal of yesterday's proceedings was read and approved.

COMMITTEES OF THE SENATE.

Mr. PENDLETON. There are some vacancies upon several committees of the Senate and I ask the unanimous consent of the Senate that the President of the Senate be authorized to fill them.

There being no objection, consent was granted; and the President *pro tempore* appointed Mr. BARROW a member of the Committee on Claims and Mr. HARRIS as a member of the Committee on Rules.

The vacancies being filled, the list of the committees of the Senate as constituted for the present session is as follows:

STANDING COMMITTEES.

On Privileges and Elections—Messrs. Hoar (chairman), Cameron of Wisconsin, Sherman, Frye, Lapham, Saulsbury, Vance, Pugh, and Barrow.

On Foreign Relations—Messrs. Windom (chairman), Edmunds, Miller of California, Ferry, Lapham, Johnston, Morgan, Pendleton, and Call.

On Finance—Messrs. Morrill (chairman), Sherman, Ferry, Jones of Nevada, Allison, Aldrich, Bayard, Voorhees, Beck, McPherson, and Harris.

On Appropriations—Messrs. Allison (chairman), Logan, Dawes, Plumb, Hale, Davis of West Virginia, Beck, Ransom, and Cockrell.

On Commerce—Messrs. McMillan (chairman), Jones of Nevada, Kellogg, Conger, Miller of New York, Ransom, Coke, Farley, and Vest.

On Manufactures—Messrs. Conger (chairman), Hale, Sewell, McPherson, and Williams.

On Agriculture—Messrs. Mahone (chairman), Blair, Plumb, Van Wyck, Davis of West Virginia, Slater, and George.

On Military Affairs—Messrs. Logan (chairman), Cameron of Pennsylvania, Harrison, Sewell, Hawley, Cockrell, Maxey, Grover, and Hampton.

On Naval Affairs—Messrs. Cameron of Pennsylvania (chairman), Anthony Rollins, Miller of California, Mahone, McPherson, Jones of Florida, Vance, and Farley.

On the Judiciary—Messrs. Edmunds (chairman), Logan, Ingalls, McMillan, Hoar, Garland, Davis of Illinois, Bayard, and Lamar.

On Post-Offices and Post-Roads—Messrs. Ferry (chairman), Hill of Colorado, Sawyer, Mahone, Miller of New York, Maxey, Saulsbury, Farley, and Groome.

On Public Lands—Messrs. Plumb (chairman), Hill, Blair, Van Wyck, McDill, Jones of Florida, Grover, Walker, and Morgan.

On Private Land Claims—Messrs. Bayard (chairman), Jonas, Call, Edmunds, and Allison.

On Indian Affairs—Messrs. Dawes (chairman), Ingalls, Saunders, Harrison, Cameron of Wisconsin, Coke, Pendleton, Walker, and Slater.

On Pensions—Messrs. Mitchell (chairman), Platt, Blair, Van Wyck, Chilcott, Slater, Jackson, Camden, and Barrow.

On Revolutionary Claims—Messrs. Johnston (chairman), Jones of Florida, Barrow, Anthony, and Dawes.

On Claims—Messrs. Cameron of Wisconsin (chairman), Frye, Hoar, Conger, Chilcott, Pugh, Jackson, Fair, and Barrow.

On the District of Columbia—Messrs. Ingalls (chairman), Rollins, McMillan, Aldrich, McDill, Harris, Butler, Vance, and Gorman.

On Patents—Messrs. Platt (chairman), Hoar, Mitchell, Lapham, Coke, Call, and Williams.

On Territories—Messrs. Saunders (chairman), Kellogg, McDill, Harrison, Butler, Garland, and Vest.

On Railroads—Messrs. Kellogg (chairman), Saunders, Hawley, Sawyer, Sewell, Windom, Lamar, Grover, Williams, Jonas, and Brown.

On Mines and Mining—Messrs. Hill (chairman), Jones of Nevada, Van Wyck, Miller of California, Hampton, Fair, and Camden.

On the Revision of the Laws—Messrs. Miller of California (chairman), Platt, Hale, Davis of Illinois, and Pendleton.

On Education and Labor—Messrs. Blair (chairman), Windom, Mahone, Aldrich, Miller of New York, Maxey, Brown, George, and Fair.

On Civil Service and Retrenchment—Messrs. Hawley (chairman), Rollins, Jones of Nevada, Dawes, Mitchell, Butler, Walker, Williams, and Pendleton.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Jones of Nevada (chairman), Platt, and Vance.

On Engrossed Bills—Messrs. Saulsbury (chairman), Call, and Miller of New York.

On Rules—Messrs. Frye (chairman), Sherman, Harrison, Gorman, and Harris.

On the Improvement of the Mississippi River and Tributaries—Messrs. Van Wyck (chairman), Mitchell, Kellogg, Frye, Jonas, Cockrell, and Jackson.

On Transportation Routes to the Seaboard—Messrs. Harrison (chairman), Cameron of Pennsylvania, Windom, Lapham, Beck, Voorhees, and Camden.

JOINT COMMITTEES.

On Public Printing—Messrs. Anthony (chairman), Hawley, and Gorman.

On Enrolled Bills—Messrs. Sewell (chairman), Rollins, and Pugh.

On the Library—Messrs. Sherman (chairman), Hoar, and Voorhees.

On Public Buildings and Grounds—Messrs. Rollins (chairman), Morrill, Cameron of Wisconsin, Jones of Florida, and Vest.

SELECT COMMITTEES.

To Examine the Several Branches of the Civil Service—Messrs. Sawyer (chairman), Saunders, Dawes, Hampton, and Groome.

To Make Provision for Taking the Tenth Census and ascertaining the results thereof—Messrs. Hale (chairman), Morrill, Sawyer, McDill, Pendleton, Morgan, and Harris.

To Investigate and Report the Best Means of Preventing the Introduction and Spread of Epidemic Diseases—Messrs. Harris (chairman), Lamar, Garland, Jonas, Miller of New York, Sewell, and Chilcott.

To Inquire into all Claims of Citizens of the United States against the Government of Nicaragua—Messrs. Davis of West Virginia (chairman), Groome, Johnston, Hill, and Mitchell.

To Investigate Condition of Potowmack River Front of Washington—Messrs. Ransom (chairman), Vest, Gorman, Jones of Nevada, Kellogg, Conger, and Cameron of Pennsylvania.

On the bill (S. 307) to provide that the principal officers of each of the Executive Departments may occupy seats on the floor of the Senate and House of Representatives—Messrs. Pendleton (chairman), Jones of Florida, Morgan, Jackson, Grover, Windom, Hale, Dawes, Plumb, and Hawley.

On Woman Suffrage—Messrs. Lapham (chairman), Anthony, Ferry, Blair, George, Jackson, and Fair.

JOINT SELECT COMMITTEE.

On Additional Accommodations for the Library of Congress—Messrs. Voorhees (chairman), Butler, and Morrill.

SPECIAL COMMITTEE.

To Investigate the administration of the Collection of Internal Revenue in the Sixth District of North Carolina—Messrs. Vance (chairman), McDill, and Mitchell.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 194 of the Revised Statutes, reports of the names of clerks and other persons employed in the War Department and offices thereof from December 1, 1881, to November 30, 1882; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present the petition of the Western Tract Society of Cincinnati, Ohio, praying for the passage of the postal bill which at the last session passed the House of Representatives and is now on the table of the Senate, by which monthly periodicals such as are published by the Western and American Tract and other benevolent societies are allowed to pass through the mails at the same rate as weeklies. It seems to me that this is a very simple and plain matter, as presented by the petitioners, and the relief ought to be granted. I move the reference of the petition to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. SHERMAN. I also present four petitions from citizens of different parts of Ohio, praying for the passage of what is known as the \$40

a-month pension bill. I move that the petitions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. SHERMAN presented two petitions of citizens of Ohio, praying for a rebate equal in amount to the reduction that may be made in the tax on tobacco, cigars, and cigarettes; which were referred to the Committee on Finance.

Mr. SEWELL presented the petition of General Pope, General Crook, and other officers of the Army, praying for the passage of the bill authorizing brevet commissions for Indian service; which was referred to the Committee on Military Affairs.

Mr. LAPHAM presented a petition of the Newburgh Civil Service Reform Association, praying for the passage of the civil-service reform bill; which was ordered to lie on the table.

He also presented a petition of J. W. Brinkerhoff and others, citizens of Norfolk, Saint Lawrence County, New York, praying for the enactment of a law granting a pension of \$40 a month to soldiers who have lost a limb in the service of the United States; which was referred to the Committee on Pensions.

Mr. SAUNDERS presented a petition of H. P. Cutting and others, citizens of Clark's, Nebraska, praying for an increase of the pension of men who have lost a limb in the military or naval service of the United States; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a petition of H. H. Ham and others, citizens of Lincoln, Benton County, Missouri, praying for the passage of a law granting a pension of \$40 per month to soldiers and sailors who have lost a limb in the service; which was referred to the Committee on Pensions.

Mr. CAMERON, of Pennsylvania, presented a memorial of the Chester County (Pennsylvania) Medical Society, protesting against the proposed consolidation of the Army Medical Museum with the Congressional Library; which was referred to the Joint Committee on the Library.

Mr. SAWYER presented a petition of C. F. Augustin and 66 others, citizens of Menasha, Wisconsin, praying for the passage of the bill to increase the pension of soldiers to \$40 a month for the loss of an arm or leg; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (H. R. 4406) granting a pension to Sarah Lewis, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. 486) granting a pension to Anna M. Wehe, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 34) for the relief of William R. Miller, submitted an adverse report thereon; which was ordered to be printed.

Mr. GARLAND. I beg, with the consent of the Senator from Tennessee, that that bill be placed on the Calendar.

Mr. JACKSON. Very well.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 917) granting a pension to Elizabeth Maria Doull, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (S. 2250) to amend an act entitled "An act to amend section 4702, title 57, Revised Statutes of the United States, and for other purposes," approved August 7, 1872, asked to be discharged from its further consideration, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2258) declaratory of an act entitled "An act to amend section 4702, title 57, Revised Statutes of the United States, and for other purposes," approved August 7, 1882; which was read twice by its title.

Mr. PLATT. The bill ought to receive early consideration by the Senate; but I do not desire to ask the Senate to consider it at this time, because I think it better that it should be printed; but I shall ask tomorrow morning, or at the first favorable opportunity, that the Senate act upon it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. GROVER, from the Committee on Military Affairs, to whom was referred the bill (S. 1298) for the relief of Stephen O'Connor, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1296) for the relief of Lieutenant C. C. Norton, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. 2259) to repeal the tenth section of the act approved

June 2, 1879, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States, and for other purposes;" which was read twice by its title, and referred to the Committee to Investigate and Report the Best Means of Preventing the Introduction and Spread of Epidemic Diseases.

Mr. INGALLS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 2260) granting a pension to George Prince; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHILCOTT asked and, by unanimous consent, obtained leave to introduce a bill (S. 2261) for the relief of Ludwig Kramer; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 2262) for the regulation of telegraph and cable companies; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 2263) to amend the pension laws, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers in the claim of William S. Grant for relief be taken from the files and referred to the Committee on Claims.

ORDER OF BUSINESS.

Mr. DAWES. Mr. President—

Mr. SHERMAN. With the consent of the Senator from Massachusetts, I now move, pursuant to the notice I gave yesterday, that the amendment reported by me from the Committee on Finance to what is called the "whisky extension bill" be taken up. I ask that it be read, and I do not think there will be any objection to it.

The PRESIDENT *pro tempore*. The Senator from Ohio asks the Senate to consider at this time the bill (H. R. 5656) to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses, and the withdrawal of the same therefrom.

Mr. DAWES. If the Senator from Ohio will permit me to call up the Indian appropriation bill I shall then give way for an attempt to dispose of the bill named by him, if it does not cause debate; but I should like to get the Indian appropriation bill before the Senate.

Mr. SHERMAN. If it proves likely to be debated for some time, I shall not press it this morning.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to postpone the consideration of the Calendar until to-morrow. The question is on that motion.

The motion was agreed to.

Mr. SHERMAN. Now, I ask that the bill named by me may be taken up.

Mr. DAWES. I should like to have the Senator let me have the right of way, and I will yield to him.

Mr. SHERMAN. Certainly; all right.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to take up the Indian appropriation bill.

The motion was agreed to.

Mr. DAWES. Now the Senator from Ohio desires me to let this bill be laid aside informally that he may try the experiment of putting upon its passage without much debate the bill which he has named, and I will permit that experiment to be tried; but if it discloses any serious debate he will excuse me.

Mr. PLUMB. I object to that arrangement.

The PRESIDENT *pro tempore*. The Senator from Kansas objects to the present consideration of the bill.

Mr. SHERMAN. All I desire to say is that although this was a controverted matter the Committee on Finance have unanimously agreed to a relief to be granted on warehouse bonds pending, and there are many distressing cases of hardship. I am opposed to the original bill; I do not think the bill as proposed to be amended would take five minutes time; but as a matter of course if the Senator from Kansas objects I shall have to let it go over.

Mr. DAWES. I think we can get through with the Indian appropriation bill in a few minutes.

FUNERAL OF THE LATE REPRESENTATIVE ORTH.

Mr. SAUNDERS. I ask to be excused from serving upon the committee sent to attend the funeral of the late Mr. Orth, of Indiana. I find it impossible for me to go.

The PRESIDENT *pro tempore*. Is there objection to granting the request of the Senator from Nebraska? The Chair hears none, and the Chair appoints Mr. SAWYER to fill the vacancy.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Friday, the 22d instant, they stand adjourned until 12 o'clock m. on Tuesday, the 2d day of January, 1883; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

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

A bill (S. 506) authorizing the Board of Commissioners of the Soldiers' Home to sell certain property at Harrodsburg, Kentucky, belonging to the Soldiers' Home; and

A bill (S. 1703) to cede to the first taxing district of the State of Tennessee a certain lot of land situated in said district.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6900) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various tribes, for the year ending June 30, 1884, and for other purposes, the pending question being on the amendment of Mr. EDMUND'S to the amendment of the Committee on Appropriations in line 4, section 7, after the word "Interior," to insert the words "with the approval of the President;" so as to make the section read:

That whenever, after advertising for bids for supplies in accordance with section 3 of this act, those received containing conditions detrimental to the interests of the Government may be rejected by the Secretary of the Interior, with the approval of the President, and the articles specified in such bids purchased in open market at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made.

The amendment to the amendment was agreed to.

Mr. DAWES. I desire to correct the phrasology of the section, as suggested by my colleague last night. In the third line of the section I move to strike out "containing" and to insert "contained;" and in the fourth line to restore the word "they."

The PRESIDENT *pro tempore*. Is there objection to the modification? The Chair hears none. The question recurs on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. DAWES. One or two amendments were passed over by mistake. In the seventy-ninth line I move to strike out "\$2,000" and to insert "\$1,500" as the compensation of the agent at the Navajo agency. Having stricken out the additional duty that is required of him, the salary should be reduced.

The amendment was agreed to.

Mr. DAWES. In the amendment which was adopted on the one hundred and fifty-third line I move to insert, after the words "per day," the words "in lieu of all other allowance of expenses except actual and necessary cost of transportation;" so as to read:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents, and of other offices, including the four special agents, whose traveling and incidental expenses shall not exceed \$4 per day, in lieu of all other allowance of expenses, except actual and necessary cost of transportation, &c.

Mr. DAVIS, of West Virginia. I understood that the \$4 a day was to include all expenses.

Mr. DAWES. That was designed to pay for a man's keep and all incidentals, except his car-fare; but he could not ride all day on the ears for \$4 to begin with, and he would not have anything to live on after he got to his journey's end.

Mr. DAVIS, of West Virginia. I understand very well, as my friend says, that a man can not ride all day at \$4 on a car, but I can understand how he may stay thirty days at one place at \$4 a day and then have enough to ride all day on the cars, even if he paid for car-fare four or five or six times more than \$4.

Mr. DAWES. It only permits the Indian Office to allow, in addition to his keeping, his actual and necessary cost of transportation. If he is obliged to pay car-fare besides, then he is to be allowed the actual cost.

Mr. DAVIS, of West Virginia. Does the Senator understand that \$4 a day is to be paid for board, whether the man travels or not? If he is lodged here or elsewhere, is he to get \$4 a day and traveling expenses also?

Mr. DAWES. He is only to get that when he is traveling. The object of the amendment is, instead of requiring him to keep a running account all of the time, to commute the whole thing into \$4 a day. It is supposed that perhaps \$3 a day would keep him at hotels and he would have for the incidentals of his travel a dollar. It is only to be paid while he is traveling. If the Senator thinks it too much, of course I shall not oppose any reduction which the Senator's experience may suggest.

Mr. DAVIS, of West Virginia. My colleague on the committee and myself desire the same thing, I know. I only wish to ascertain whether this \$4 is to be paid the agent whether he is traveling or not, whether when he is located at his own home or in this city or elsewhere he is to get \$4 a day on an average, or only \$4 a day when actually on traveling duty independent of his fare? If it is \$4 each and every day, it is too much to add the traveling expenses.

Mr. DAWES. I have no objection to having it fixed in the way the Senator suggests.

Mr. DAVIS, of West Virginia. I suggest to the Senator to put it in his own language. I think \$4 a day on an average is sufficient.

Mr. DAWES. The words "traveling and" have been stricken out, I understand. If they be restored would not that meet the Senator's point?

Mr. DAVIS, of West Virginia. I think it would.

Mr. DAWES. I ask unanimous consent to restore in the amendment the words "traveling and."

The PRESIDENT *pro tempore*. The words have not been stricken out, the Chief Clerk informs the Chair.

Mr. DAWES. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. PLUMB. In line 1068, after the word "support," I move to strike out the word "and," and after the word "education," in line 1069, to insert the words "and transportation;" so as to read:

And said sum shall be disbursed upon the basis of an allowance not exceeding \$235 for the support, education, and transportation of each scholar.

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

Mr. PLUMB. Yesterday the Senate voted to increase the amount for each scholar.

Mr. DAWES. I was going to say that having done that I think the words the Senator proposes ought to go in.

Mr. PLUMB. Yes; I am convinced they ought to have gone in before the amendment was adopted, and that the amendment ought not to have been adopted. Yesterday, in spite of the fact that the superintendent of this school said he could get along with \$200 to each scholar, the Senate deliberately increased the amount to \$235 each, thereby increasing the cost of each scholar \$35 per annum and diminishing the number to be taught at the Carlisle school, because the gross amount appropriated was not increased.

Mr. LOGAN. At what school?

Mr. PLUMB. At Carlisle, Pennsylvania.

Mr. LOGAN. How much?

Mr. PLUMB. Two hundred and thirty-five dollars a scholar.

Mr. LOGAN. They do not want it.

Mr. PLUMB. That is what the school superintendent says, but they are bound to have it, it seems, anyhow.

I have in my hand the account of the expenses of that school during the last fiscal year, and I call attention to the fact that the large majority of the supplies for that school, amounting to \$50,000 per annum, were purchased last year without advertisement at all. A good deal has been said here by those persons who have advocated this school as the school *par excellence* of the United States for Indian purposes about the necessity of some kind of executive supervision and responsibility in regard to the purchase of supplies; and here I have a statement from the Indian Bureau of the supplies purchased for this school showing that over \$50,000 of the amount appropriated last year was expended by this superintendent for the purchase of supplies for which no advertisement was ever invited.

I do not say, nor do I mean to be understood as saying, that I question either the integrity of the superintendent of that school or his judgment in the purchase of supplies. On the contrary, I have no doubt of either; but I have noticed that it is the disposition or tendency of every person in the employ of the Government, as well as everywhere else to magnify his office; and that person thinks, as do all the superintendents of Indian schools, that the education of the Indians is the principal thing that the Government, for the time being, is engaged in, and naturally feels to some extent resentful over any legislative supervision.

If we can not have the Carlisle school come under the rules and regulations that apply to the purchase of supplies for the maintenance of schools generally, and for the furnishing of food and other supplies through Indian agents, and so on, then I think it is time we should know it; and when, in addition to that, the Senate will deliberately vote to increase by about 20 per cent. the amount which the superintendent says is necessary, it seems to me to be a culminating of the idea that there can not be too much extravagance in this branch of the public service.

It is time, in my judgment, that something was said about this matter, and about all these matters which are in their nature extravagances, as I believe.

I yielded a somewhat cordial acquiescence to the proposition to increase the appropriation for school purposes made by this bill over what it heretofore had been, and I did it to some extent against my judgment, because I had been regarded as the one person who more than any other person objected to Indian education according to the use which is ordinarily made of the term "education," because I was willing to add to the experiment that we were carrying on, and because I believe that perhaps the money spent in education was as well spent as a good deal more that we were spending in and about the maintenance of the Indians.

But I want to say now that I am satisfied, as I always have been, and more satisfied now than ever, that we are making a mistake in the education we are giving to the Indians, a mistake which not only depletes the Treasury to the extent of nearly a million dollars per annum, but a mistake which besides is doing incalculable damage to the Indian himself.

I have here in my hand a list of the Indians who are in Government employ at the various agencies of the United States. It is a very considerable list, and it shows that the Government has been employing, so far as it could, Indians in the performance of the duties of blacksmiths, farmers, carpenters, laborers, and so on about the agencies respectively. Now, I undertake to say that after that list shall have been added to 25 per cent., we will say, there cannot be legitimately employed upon the reservations any more Indians, whether they are educated or not. Yet we are educating Indians, giving them not merely a common-school education, but something, if anything can be, better, and sending them back to the agencies with nothing for them to do. They cannot be blacksmiths unless the Government employs them, because there is no other employment about the agencies except what the Government gives; they cannot be carpenters, nor harness-makers, nor teachers, unless the Government employs them, because there is no other employment there to be had.

They go back, then, to associate with the great body of the Indians from whom they came, to lose that level which they may have attained or obtained while they were at school, and to be practically of no use except as it may be to a certain extent as hostages for the keeping of the peace. They do not go back to become self-sustaining and self-supporting; they go back rather to remain the wards of the United States as they always have been. I will venture now to say that the influence of the schools in regard to the general average among the Indians of the United States so far as it relates to the question of their being able to support themselves, so far as it makes them able to support themselves, will not be materially augmented by the expenditures of all the money and ten times the money that we appropriate in this bill.

Some other plan or some modification of the existing plan must be adopted, and it is no use to keep up Hampton and Carlisle for the purpose of educating people for whom there is no work where they are sent back to their tribes. Hampton and Carlisle and all the other schools, as I said yesterday, ought to be made the means whereby so much of the barbarism, which is native to these people, so much of their lack of facilities for the doing of the things which are required to be done among white people, shall be taken off, and they shall then be merged into the body of the people of the United States, to engage in those callings for which they may be fitted in the communities in the States, and not to go back to the tribes themselves.

As a part of the plan, and peculiarly illustrative of that bent of mind which has accompanied and followed the legislation of the United States on the Indian question, I observe that Captain Pratt has been in the habit of paying the Indians at the Carlisle school wages for the work they have done. In other words, the Government, as it does upon the reservations, feeds the Indians and then pays them for whatever work they do besides; and so there has been paid—I do not know that it is now being paid, but there has been heretofore paid—to the scholars of that school wages for labor which they have done, they themselves having thereby cultivated in them the idea that the fact that they were supported, fed, clothed, and educated by the Government carried no corresponding obligation upon their part. In other words, we have got to-day a constituency of 250,000 people whom we feed and clothe and care for in the most complete manner, so that no physical want is left unsupplied; and yet if one of them is wanted to do anything he must be paid for it. That is pauperism with a premium, and a pauperism with a premium which in my judgment will have to be stopped, or there will be an outcry about it which will make it as inconvenient as we find it now to confront the outside clamor in regard to another phase of civil-service reform.

I find also from the statistics that while it is true that for the fiscal year 1882 the average cost for the care and education of the children at the Carlisle school was \$235.60 net; that is to say, after subtracting the enormous amount of \$4,600 which those three hundred children earned in the way of manufactures of different kinds at the Forest Grove school for the same time, the average cost was only \$191.34; and while I do not feel called upon myself to defend anything which any member of the other branch of Congress may have said elsewhere about this question of extravagance in this school at Carlisle, I do feel as though I ought to say that the comparison between these two schools warranted that statement wherever made, and it is time that Congress should address itself to this question with some sense of its own responsibility, and not always turn the thing over to the person interested in creating the largest amount of responsibility, more especially as he has the benefit, if there be any benefit, of the expenditure of every single cent of the sum we appropriate, without let or hinderance on the part of anybody, and without being obliged to advertise for bids, and is carrying this on just as he would if he himself were the only tax-payer in the United States and were taking the money out of his own pocket for the maintenance of the school which was peculiarly and solely his own.

Upon the general question of the relation which some of these tribes, by reason of their location upon the reservations the Government has assigned to them and the probability that they may become at some time self-maintaining, and upon the question as to in what direction the Indian is best qualified to maintain himself with his own labor, and in such ways as to free the Government from the responsibility of that maintenance, I will ask to have inserted in the RECORD, as part of my remarks, a let-

ter which was written to me on the 30th day of last March, which was pertinent to the debate then occurring in the Senate upon this very question, but which I did not then ask to have read, because the debate had closed about the time the letter was received. It is written by an agent who has a good reputation in the Department, who has been a long time in the service of the Government, who is regarded as an upright and practical man, whom I know personally, and whom I believe to be conscientious in whatever he says. I think there will be found even in his letter some curious illustrations of the bent of the human mind in regard to expenditures made on the part of the Government for the benefit of the Indians. In other words, whenever we touch an Indian common sense and common judgment and all sense of responsibility give way to a peculiar kind of humanity which is defiant of all; and at the same time it has been so managed during the forty or more years we have been in direct relations with most of the tribes of Indians provided for in this bill, giving them large subsidies annually out of the Treasury of the United States, that I venture to say that these Indians have not made any substantial progress in the direction of becoming self-supporting. We are supporting them to-day as fully and as completely, nearly, as we ever did. Upon that point of the essential viciousness of what we do, I desire to call the attention of the Senate to two instances which are within my knowledge.

About 1874 there were taken by force from their homes in Montana the Northern Cheyenne Indians to the Indian Territory; that is to say, the Government took down first about 1,100 of them, and subsequently in another detachment I think the whole, amounting to about 1,400. There were, however, some hundreds of them who would not be taken away, who escaped the vigilance of those persons who were deputed to get them together and take them down, and those Indians who were not taken to the Indian Territory finally located on the Fort Keogh military reservation under the charge of General Miles. Those who were taken down went down to have the benefit of the treaty which was made between the tribe and the United States, by which they were to receive a certain sum of money, amounting to about fifty or sixty thousand dollars per annum, for clothing and other purposes, and receive in addition to that the benefit of the benefaction of the Government in the shape of the purchase of food supplies every year to the amount of more than \$200,000. They are the Indians whom we last year were advised that if we did not appropriate sufficient to give them three pounds of beef per week each they would break out and go on the war-path and devastate the great settlements. Congress humbly said, "Do not do that and we will give you the beef." They are Indians for whom we are appropriating to-day very large sums of money. But the few hundreds who remained on the Yellowstone and who located upon the Fort Keogh military reservation have never been observed by the lynx-eyed Government officials who have been anxious to get as many of these wards as possible under the control of the Government, have lived there from that day to this without receiving one single dollar of money due to the tribe as annuities; they have received no donation of any kind or description whatever, and yet they have lived as well, as peacefully, and more so, perhaps, as those whom we have been paying about \$250,000 per annum to support.

In the next place, when Sitting Bull's band came over from Canada and located—

Mr. BECK. I wish the Senator from Kansas would give us what information he has in reference to what he has said relative to those Indians at Fort Keogh. When I was there this summer I was told that these men were not only doing well, but that they were doing the hauling for the fort. They were working; they were receiving their pay; they were settled on little homes of their own, raising little patches of potatoes, and absolutely not only self-sustaining, but laying up money.

Mr. PLUMB. That only brings the thing down to a later date. I merely spoke of that which I knew as a member of the Senate and a member of a committee which investigated the treatment of these Indians; and I say now that 25 per cent. of them have received nothing from the Government, while the other 75 per cent. received all that the whole tribe should have received, and are receiving it to-day, and are as wholly dependent to-day as the day they went on the reservation in the Indian Territory; while the Indians who have received nothing have been taking care of themselves, and, as the Senator from Kentucky now says of his own knowledge, have not only taken care of themselves, but are actually acquiring some property and arriving at a condition of things where they may some of these days properly assume the dignity of American citizenship.

As I was proceeding to say, when Sitting Bull came over from Canada he was located with all his Indians upon the Missouri River, the precise point I cannot now recall. He remained there for about a year in charge of the War Department. At the expiration of that time it was directed that his Indians should be turned over to the Interior Department to be taken to the Sioux reservation in Dakota. About four hundred of the two thousand or twenty-five hundred Indians there would not go and did not go, and in the mean time, while they were located there and for want of something else to do, and driven by necessity (which after all is the mother not only of invention but of effort) to take care of themselves, when they came to be taken away the agents of the Department found them there taking care of themselves, cultivating their little plots

of land in the valley of the Missouri river, and they were not taken to the Sioux reservation, and they remain there to-day taking care of themselves and receiving no annuity, no care, no supplies, no anything at the hands of the Government, while the other two thousand have gone to the Sioux reservation, and cost this Government about \$100 a head per annum.

I think that just illustrates the difference. Whenever you find an Indian that the Government has taken hold of, you have found an Indian who has been reduced in morals, in everything that goes to make up manhood in an Indian or a white man, and everything that is done for him goes to deprive him of the faculty, of the energy which contributes to make himself self-supporting. You have made him by that very act a pauper, and the Government to-day is deliberately pauperizing and destroying the manhood and the womanhood of more than one-half, I think I may say a large majority, of all the Indians it has got under its control, by the fact in the first place that it has such control, and in the next place by the manner in which that control is exercised.

We need a thorough overhauling of our method of dealing with the Indians. They have come to believe that all they have to do is to threaten to go upon the war-path, and that will bring supplies galore, and that they do not need to do anything. Here we have the spectacle of the employment by the Government of blacksmiths, teachers, clerks, millers, engineers, and laborers about the agencies, while the ground is burdened with the imposition of more physical labor than could be used if the entire reservation was cultivated, if it could be made use of. In other words, these men lie around in perfect idleness to which the Government has contributed, which it daily, and weekly, and yearly maintains and keeps up.

Now, the education of Indians that we educate to send back to the tribes does no practical good to them or those with whom they associate. The solution of this Indian question is not to send them back. It ought to be said in their behalf that they are largely located on reservations upon which they cannot make a living by what we know as agriculture. Those who go back will find nothing to do. And yet instead of carrying these persons out into the ranks of the people of the United States and giving them employment as blacksmiths or as laborers or as domestics, or what not among the people who are willing to take them and among whom labor is scarce, and using our appropriations and our control over these people for that purpose, we are educating them to do that which they will never have opportunity to do and we are sending them back to a people among whom if they even knew how to do it they could find no possible occasion for doing it.

I will send to the Reporter, to be inserted as part of my remarks, the letter of Mr. Miles, the Indian agent to whom I referred.

The letter is as follows:

UNITED STATES INDIAN SERVICE,
CHEYENNE AND ARAFAHOO AGENCY,
Darlington, Indian Territory, March 30, 1882.

DEAR SIR: I am in receipt of your letter 23d instant and telegram of 24th instant, and as requested in your letter above referred to I shall endeavor to give reply as best I can, with the information I have at my command.

In connection with the beef deficiency I have first to note that the military were called upon to feed these Indians for two months last year (May and June), consisting of beef, sugar, and coffee. One week's issue of beef during that time cost the Government 5 cents per pound gross. All this two months' subsistence had to be deducted from this year's appropriation in reimbursing the War Department. For details of this transaction I can only call attention to the records of the Indian Office at Washington, as I know nothing of the details.

I am well aware that the Government is under no treaty obligation, but the demand resolves itself into a condition of policy and humanity. And you very pertinently ask (as no doubt thousands others do inquire in their own minds), "Is this condition of things to continue indefinitely?" As to the application of the various funds appropriated from year to year, I can only say that the disposition of these funds are entirely under the control of the Commissioner of Indian Affairs and none are expended by me except by his direction and authority.

During this year (ending June 30, 1882), up to this date, this agency has had no "civilization" funds, and from the "beneficial" funds, as provided for in tenth article of treaty of October, 1867, we have been furnished in agricultural implements, through the Indian Office, two mowers, \$93.50; two corn-planters, \$72, and no more. As to the application of the balance of this fund (\$20,000) I can only cite you to Indian Office where the record of the different funds is kept. During the fiscal year ending June 30, 1881, we did use some of the "civilization" fund at their agency in payment for salaries of school employees. These employés (school) are sometimes paid from funds "support Arapahoes, Cheyennes, Kiowas, and Comanches," and at other times from "civilization" fund at the discretion of the Commissioner.

The clothing fund (\$14,000), as per same article and treaty, is by no means adequate for the purchase of clothing for the 6,220 Indians now attached to this agency, as noted in my report for last year. During the present fiscal year (ending June 30, 1882) the Indian Office has purchased and forwarded to this agency \$33,575.75 in clothing, and I presume the excess over \$20,000 was paid from "beneficial" or some other fund at the disposal of the Department. I have frequently protested against the purchase of "shoddy" material, and during the current year a good quality of jeans has been sent us, and no "shoddy." All "trinkets" and useless "traps" have been dropped from my estimates long ago and none have been sent us by the Department—not even goods for "strouding blankets."

I have been seriously considering the propriety of asking the Department to cut off all the annuity list except such articles as necessary clothing and implements, quilts and blankets for the women and children, and ready-made clothing for men. Let them begin to rely on their own efforts for these things. One thing I shall ask to be dispensed with, and that is tobacco. Its use is an expensive luxury (?) and can be dispensed with without injury or loss of life. These people must have meat and some other food staples until such time as they may be able to subsist themselves; and right here comes in your question, "Is there any prospect that the Indians can ever become self-supporting in their present locality, and, if so, what is necessary to that end?" I answer that it is possible, but cannot be accomplished in a day nor a year; and if in giving my theory of the means necessary to be employed I may seemingly censure the action of the Indian Department, I trust you may pardon me. There is no use attempting to

confine these people exclusively to agricultural pursuits. White men, with all their education and energy in this direction, would starve at the effort. This is a grazing country, and pastoral pursuits must be resorted to for substantial and reliable support. In this the Indian can more readily become competent to perform his own labor, while at farming he makes slow progress, even under favorable circumstances, while in this country to have his efforts prove unfruitful three years out of four will prove disastrous to our farm efforts. Yet as a localizing means, and for the occasional fruitful year, it is necessary that the Government take steps to locate them in severality along the streams, and at the same time reserve a large grazing district contiguous thereto.

In 1876 we organized a "school herd" of cattle at this agency, which had its beginning in two or three calves which were earned by scholars of the school in 1877 and subsequent years; the sale of surplus produce of school farm and earnings of the school children, as also some donations from friends of the school, were invested in young cattle, mostly heifers; and in this way the herd had assumed such proportions in 1880 that fears were entertained by certain officers in the military department that there was something "rotten" about it, and to prevent the "opportunity" this herd was ordered to be issued to the camp Indians. And to speak frankly and plainly, it would have been much wiser to have driven this herd of about 1,500 head, all grades, to the slaughter-pen and butchered them for the benefit of the whole tribe.

The herd at the time it was issued was worth in cash \$20,000, nicely graded up; just such a herd as no stock or ranchman would sell at any reasonable price. We presented to the Department statements of this herd, showing the sources from whence it was derived, increase in numbers, growth, and value, hoping to convince them of the feasibility of such an enterprise and the benefits to be attained ultimately, but all to no avail. Taking it for granted that the Department preferred a failure to that of success, and in obedience to orders of my superiors, the herd was issued as indicated, and to-day I doubt if one-third of these cattle are living. My aim was, first, to rid the Government from the expense of operating the agency schools from sales of matured stock from this herd, which I know could have been done in the year ending June 30, 1883; this was my aim, and you, as well as all other men familiar with the possibilities of such a herd, know it could have been done, and I know it myself, taking for my guide what I have seen done by other men by prudent business management on this border.

Second object was to furnish employment to the boys and young men growing up in our agency schools, so that after they quit the schools they could have been prevented from lapsing back into camp life and the "jee string" by retaining them as herders in connection with this herd; and as some of these boys and girls have married, it was my purpose to distribute them at various camps or settlements to take charge of and ride the range, and as the herd continued to increase the range would have been enlarged, and eventually my purpose was to give to each child thus engaged their distributive share of the herd, but not until the number to be given was of sufficient quantity to be an object to keep and care for them.

Third. While the herd was entirely under the control and management of the agent the Indians would respect the herd and very few trespasses were committed on the herd. In this herd we held a "knock-down" argument in favor of the school, as by showing to the parents an accumulation of property it was evidence which they could see and appreciate, while the advantages of a literary education alone is not so apparent. My object was to make these schools "industrial schools," and I know of no other industry to be engaged in in this country that will compare with that of a herd of cattle. We have in this herd fully demonstrated the practicability of the enterprise and the adaptability of the young men of the tribes to care for cattle under supervision of a practical man, and to-day, had this herd been retained, it would have been worth in cash \$33,000 to \$35,000, and from this time forward the increase would have been very marked, while the expense of holding would have been but little more. I have been quite minute in detail, for I know success can be attained through the cattle herd if properly managed, and I know of no better way of accomplishing the object sought, their self-support, than to establish the school herd again, say \$20,000 (the cash value of the one taken from them), and a much larger sum, say \$60,000, for an agency herd, to be kept on a suitable range under the management of the agent and control of one competent white man as boss herder, with Indian herders under him.

In this way control can be had over the herd until such time as individuals or neighborhoods can be established who would extend the proper care over a herd to be taken from this agency herd. Of course the management of such a herd would have to be characterized by good business methods in the purchase of suitable cattle in the first place at the lowest obtainable rates, and put on the range at the proper season, and thereafter every transaction would have to be made just as any other business man would do—sell the matured stock when he could get a good price, and buy young desirable stock for a ranche when opportunity offered at reasonable rates. A private individual never thinks of "giving himself away" by advertising his herds for sale, or that he wishes to buy on a certain date. Now would it be possible to make a success of a herd if all the usual red tape must be complied with in buying, selling, or exchanging to keep the herd in trim; if it must be contingent upon the action of some one so remote as Washington, and perhaps does not know what a "maverick" is. I do not mean any disrespect to superiors. I only speak of it as a fact in the successful management of a herd of cattle; and large discretionary powers should be given the agent, and then if he does not make a success, it will be time to decapitate him.

I consider that we are educating some children who must be supported, at least for a time, which would have been entirely unnecessary had we been allowed to keep the school herd. Yet they will have this advantage; the greater portion of those being educated away from home are learning trades, and will be placed in the agency shops on their return, and such as these make better teamsters and can secure better wages at the agency, at the military post, and on the reservation than those fresh from the camp; and the training received in these schools produces a much higher standard of morals. This is especially true of the females; they are beginning to realize the depth of their degradation, and we have frequent applications at our houses, and particularly at our schools, by young girls for protection, telling us they have been "sold" to some man whom they despise and who has an old wife or two, and that they would rather die than live with him. Congress should legislate on this point. These young men returning from the schools can be placed in the shops, employed as teamsters and laborers, and as herders, should such a herd be established, and I can say to the credit of those who have been in our agency schools, and also returned from the States, that they are more prompt and perform the duties assigned them better than those fresh from camp.

Another scheme which I have in view, and have taken some action on, and that is to place young men and girls, if desired, in good families in the States. This I consider one of the best means to improve the moral status of these people. I have secured a temporary home for one young Arapahoe man in the family of an acquaintance at Hays, Kansas, who will keep him for three years, and I have it in prospect to place others on same terms. During this time they will be no expense to the Government, and will have school advantages and be clothed and fed for their work. Should you know of any one in Kansas who would be willing to try such help, I can assure you I will send them the best I can.

The freighting enterprise inaugurated at this agency has proved a great benefit to the Indians and the Government, but with this and such supplies as we can get to haul for the quartermaster at Fort Reno, cutting and hauling wood and hay, &c., does not furnish enough remunerative employment to materially affect the necessity for full rations of beef.

I think I dislike to feed a lazy Indian as bad as any one can, and have tried as hard to furnish them with employment as was possible, hoping to devise some means to place those under my charge in a way to earn their own living.

In reply to your telegram of 24th instant, asking why beef deficiency was not distributed through the entire year, I can only say that I was not aware there would be a deficiency until 19th instant, nor would it have been possible to make such reduction without endangering the peace on the frontier. And now to reduce to the point ordered by the honorable Commissioner will most surely result in trouble, which will begin in raids on cattle, as noted in my telegram to you of the 27th instant.

Very respectfully,

JOHN D. MILES, *Indian Agent.*

Hon. P. B. PLUMB,
United States Senator, Washington, D. C.

Mr. PLUMB. I desire to call attention to another fact, and that is that I find that the people whom we are employing among these Indians are getting wages ranging from \$180 per annum to as high as \$900 per annum; that is to say we are picking out of a tribe of Indians, all of whom are getting rations and subsistence at the hands of the Government, the one, two, three, or half-dozen or dozen whom we can employ, and paying them higher wages, as a rule, than white men get for the same service, or at least as high wages as they get, while the great body of the tribe are not invited to participate in the employment at all, but are kept in a state of actual pauperism. I ask that the list of Indian employees, which comes from the Department, and in which is also stated the wages paid, and the calling of the person, may also be inserted in the RECORD as part of my remarks.

The document is as follows:

Blackfeet (Montana).—One herder at \$150 per annum.

Cheyenne and Arapahoe (Indian Territory).—One assistant matron, \$150 per annum; 1 baker, \$300; 1 assistant tailor, \$150; 1 assistant carpenter, \$360; 1 assistant blacksmith, \$300; 1 fireman, \$300; 1 tinner, \$300; 10 laborers, \$180 each; 2 herders, \$240 each; 7 teamsters, \$180 each; irregular service averaging \$61 per month.

Cheyenne River (Dakota).—Eight laborers at \$20 per month each; irregular labor averaging \$65 per month.

Colorado River (Arizona).—One teamster, \$300 per annum; 2 laborers, 50 cents per day.

Coldville (Washington Territory).—None.

Crow (Montana).—One laborer, \$450 per annum; irregular, \$25 per month.

Crow Creek (Dakota).—One assistant teacher, \$240 per annum; 1 industrial farmer, \$720; 2 laborers, \$240; 1 laborer, \$180; 1 apprentice, \$360; 3 apprentices, \$240; 4 apprentices, \$180; 6 herders, \$300; irregular averaging \$110 per month.

Devil's Lake (Dakota).—One assistant blacksmith, \$240 per annum; 1 assistant carpenter, \$240; 2 apprentices, \$160 each; 2 apprentices, \$80 each; 5 assistant farmers, \$120 each; 1 teamster and laborer, \$300 each; no irregular service.

Flathead (Montana).—One assistant miller, \$600 per annum; 1 blacksmith, \$300; 1 assistant farmer, \$600; 1 miller, \$900; irregular service, \$5 per month.

Flandreau and Santee (Nebraska).—One laundress, \$180 per annum; 1 assistant seamstress, \$60; 1 assistant laundress, \$60; 1 assistant cook, \$60; 1 clerk and superintendent, \$600; 1 issue clerk, \$480; 1 blacksmith, \$500; 1 blacksmith's apprentice, \$300; 1 wagon-maker, \$400; 2 carpenter's apprentices, \$240 each; 1 carpenter's apprentice, \$180; 1 carpenter's apprentice, \$480; 1 miller, \$400; 3 herders, \$360 each; 1 herder, \$400; 1 groom, \$300; 1 teamster, \$300; 1 harness-maker's apprentice, \$240; 1 superintendent (Flandreau), \$480; 1 mason's apprentice, \$240; 1 mason's apprentice, \$180; 1 superintendent, Ponca, \$600; irregular service, \$20 per month.

Fort Belknap (Montana).—Two herders, \$180 each per annum; no irregular service.

Fort Berthold (Dakota).—Irregular Indian service, \$81 per month.

Fort Hall (Idaho).—One laundress, \$120 per annum; 5 laborers, \$180 each.

Fort Peck (Montana).—One laborer, \$600 per annum; 5 apprentices, \$60 each; 24 laborers on general farm and agency work, 50 cents each per day; irregular service, \$250 per month.

Great Nemaha (Nebraska).—One laborer and acting interpreter, \$300 per annum; no irregular service.

Grand Ronde (Oregon).—One carpenter, \$500 per annum; 1 blacksmith, \$500; irregular service, \$50 per month.

Green Bay (Wisconsin).—One assistant teacher, \$400 per annum; 1 cook, \$215; 1 seamstress, \$200; 4 teachers, \$250 each; 1 miller, \$400; 1 teamster, \$400; 1 assistant farmer, \$400; 1 wagon-maker, \$400; 1 blacksmith, \$400; 1 assistant blacksmith, \$388; 4 apprentices, \$200 each; irregular service, \$50 per month.

Hoopa Valley (California).—None; no irregular service.

Kaw (Indian Territory).—One laborer and acting interpreter, \$300 per annum; 1 chamber-maid, \$120; 3 laborers, \$180 each; 1 blacksmith, \$300; irregular service, \$242 per month.

Kiowa, Comanche, and Wichita (Indian Territory).—One assistant matron, \$300 per annum; 2 assistant seamstresses, \$180 each; 1 laborer, \$180; irregular service, \$232 per month.

Klickitat (Oregon).—One apprentice, \$180 per annum; irregular service, \$40 per month.

La Pointe (Wisconsin).—Three blacksmiths, \$480 each per annum; 2 apprentices, \$60 each; 1 assistant farmer, \$500; no irregular service.

Lemhi (Idaho).—No regular; irregular service \$42 per month.

Lower Brule (Dakota).—One seamstress, \$300 per annum; 1 cook, \$300; 1 assistant teacher, \$240; 1 laundress, \$300; 1 laborer, \$240; 2 laborers, \$360 each; 4 apprentices, \$120 each; 3 apprentices, \$180 each; 2 herders, \$240 each; irregular service, \$175 per month.

Mission (California).—One teamster, \$540 per annum; no irregular.

Navaajo (New Mexico).—None; irregular service, \$92 per month.

Neah Bay (Washington Territory).—One seamstress, \$200 per annum; 1 assistant seamstress, \$120; 1 cook, \$240; 1 laundress, \$120; 1 farmer's apprentice, \$180; 1 blacksmith, \$360; 1 carpenter, \$360; 1 teamster, \$240; 2 apprentices, \$180 each; no irregular service.

New York (New York).—One special assistant \$150 per annum; irregular service, \$20 per month.

Nez Perce (Idaho).—One assistant teacher, \$240; 1 laundress, \$240; no irregular service.

Puyallup (Washington Territory).—One assistant teacher, \$400 per annum; 1 industrial teacher, \$400; 19 apprentices to different trades, each \$5 per month; irregular service, \$21 per month.

Oakland (Indian Territory).—Two herders, \$240 each per annum; 1 teacher and interpreter, \$1,000; one assistant teacher, \$240; irregular service, \$81 per month.

Omaha and Winnebago (Nebraska).—One assistant teacher, \$320 per annum; 1 laundress, \$300; 1 blacksmith, \$400; 1 carpenter, \$320; 1 assistant sawyer, \$400; 1 blacksmith, \$300; 1 carpenter, \$400; 1 assistant blacksmith, \$180; 1 assistant carpenter, \$120; 1 assistant farmer, \$200; 1 laborer and acting interpreter, \$300; irregular service, \$166 per month.

Osage (Indian Territory).—One logger, \$480 per annum; 2 laborers, \$180 each; 1 teacher, \$480; 1 carpenter, \$720; 1 blacksmith, \$540; 1 engineer, \$400; 1 assist-

ant harness-maker, \$400; 3 laborers, \$400 each; 2 laborers, \$180 each; 2 apprentices, \$300 each; irregular service, \$170 per month.

Otoe (Indian Territory).—One herder, \$360 per annum; 1 laborer, \$300; 1 cook, \$300; 1 laundress, \$120; irregular service, \$12.50 per month.

Ouray.—One laborer, \$400; no irregular.

Pawnee (Indian Territory).—One assistant seamstress, \$60 per annum; 1 herder, \$100; 1 superintendent, \$840; 1 matron, \$480; 1 seamstress, \$60; 2 laundresses, \$100 each; 1 apprentice, \$240; 1 apprentice, \$180; 4 apprentices, \$120; irregular service, \$31 per month.

Pine Edge.—One teacher, \$500 per annum; 1 teacher, \$480; 1 herder, \$300; 1 watchman, \$600. There were employed during the third quarter, 1882, Indians as laborers, teamsters, &c., whose services amounted to about \$2,500. There are now employed ten extra herders to care for the beef herd, at \$40 per month each. Also, during the fall quite a number of freighters, who haul by the pound.

Ponca (Indian Territory).—One assistant carpenter, \$300 per annum; 1 assistant blacksmith, \$240; 1 assistant engineer, \$240; 1 assistant farmer, \$240; 3 herders, \$240 each; 5 apprentices, \$60 each; 1 harness-maker, \$180; no irregular service.

Pottawatomie (Kansas).—One apprentice, \$600 per annum; 1 matron, \$360; 1 cook, \$180; 1 laborer, \$180; 1 assistant teacher, \$420; irregular service, \$11 per month.

Pueblo (New Mexico).—One assistant teacher, \$180 per annum; no irregular service.

Quapaw.—One storekeeper, \$400 per annum; 1 assistant blacksmith, \$180; 1 assistant blacksmith, \$240; 1 cook, \$240; 1 seamstress, \$240; 1 laundress, \$240; 4 apprentices, \$60 each; irregular service, \$23 per month.

Quinault (Washington Territory).—One laborer, \$180 per annum; 1 herder and mail carrier \$200; no irregular service.

Rosebud (Dakota Territory).—One watchman and interpreter, \$600 per annum; 1 laborer, \$480; 1 watchman, \$360; irregular service, \$560 per month.

Round Valley (California).—One assistant matron, \$60 per annum; 1 assistant cook, \$60; 4 herders, \$150 each; irregular service \$90 per month.

Sac and Fox (Indian Territory).—One blacksmith, \$700 per annum; 1 seamstress, \$240; 2 cooks, \$240 each; 1 assistant farmer, \$240; 1 teacher, \$480; 1 laundress, \$240; irregular service, \$77 per month.

San Carlos (Arizona Territory).—Two teamsters, \$420 each per annum; 3 herders, \$180 each; 1 assistant butcher, \$360; 1 assistant butcher, \$180; irregular service, \$8 per month.

Shoshone and Bannock (Wyoming).—Two laborers, \$180 each per annum. Also about 120 freighters who hauled about twenty days each during July, August, September, and October at the rate of \$40 per month, during time actually employed.

Siletz (Oregon).—One seamstress, \$360 per annum; 1 assistant teacher, \$300; 1 laundress, \$240; 1 farmer, \$500; 1 teamster, \$400; 1 carpenter, \$400; 1 mail carrier, \$312; 1 shoemaker, \$150; irregular service, \$76 per month.

Sisseton (Dakota Territory).—One assistant laborer, \$180 per annum; 1 teacher, \$360; 2 farm and stable hands, \$240 each; 5 apprentices, \$180 each; 4 apprentices, \$60 each; 10 district farmers, \$60 each; 1 farmer and superintendent, \$500; 1 engineer, \$500; 1 blacksmith, \$500; 1 carpenter, \$300; 1 herder, \$96; 1 housekeeper, \$96; 1 apprentice, \$144; 1 apprentice, \$60; 1 apprentice, \$120; irregular service, \$226 per month.

Skokomish (Washington Territory).—One carpenter, \$400 per annum; 1 blacksmith, \$400; 3 apprentices, \$180; 1 assistant matron, \$120; 1 cook, \$120; no irregular service.

Southern Ute (Colorado).—No regular; irregular service, \$41 per month.

Standing Rock (Dakota Territory).—One assistant carpenter, \$240 per annum; 1 hostler, \$240; 2 laborers, \$180 each; 6 apprentices, \$60 each; irregular service, \$150 per month.

Tulalip (Washington Territory).—One farmer, \$400 per annum; 1 sawyer, \$400; no irregular service.

Tule River (California).—One herder, \$300 per annum; no irregular service.

Union (Indian Territory).—No regular; irregular service \$7 per month.

Western Shoshone (Nevada).—One mail rider, \$120 per annum; 1 laborer, \$120; no irregular service.

Warm Springs (Oregon).—One miller, \$700 per annum; 1 superintendent farmer, \$700; 4 apprentices, \$60 each; no irregular service.

White Earth (Minnesota).—One assistant clerk, \$720 per annum; 1 matron, \$360; 1 cook, \$200; 2 cooks, \$120 each; 2 laundresses, \$120 each; 1 seamstress, \$120; 5 teamsters, \$400 each; 1 mill overseer, \$180; irregular service, \$72.50 per month.

Yakama (Washington Territory).—One cook, \$200 per annum; 1 laundress, \$32; 1 blacksmith, \$900; 1 engineer, \$700; no irregular service.

Yankton (Dakota Territory).—Two teachers, \$600 each per annum; 1 assistant engineer, \$300; 1 tinsmith, \$180; 1 carpenter, \$300; 1 assistant in shops, \$240; 1 herder, \$300; 1 assistant herder, \$300; 2 butchers, \$300 each; 1 assistant issue clerk, \$300; 1 assistant carpenter, \$240; 1 carpenter, \$300; 1 carpenter's apprentice, \$60; 1 tinsmith's apprentice, \$120; 1 blacksmith's apprentice, \$300; 1 blacksmith's apprentice, \$180; no irregular service.

Respectfully,

H. PRICE, *Commissioner.*

MR. DAWES. Mr. President, I may be permitted to express my surprise at the remarks of the Senator from Kansas [Mr. PLUMB], for I supposed that the attitude of this bill toward the education of the Indians met his hearty approval, as well as the other provisions of the bill. After it has been gone through with by the committee, reported to the Senate, and adopted by the Senate, the Senator has found occasion to criticise its provisions in a manner that I wish had been manifested at an earlier stage of the bill.

MR. PLUMB. I criticised the system of which the bill is a part and an inevitable part as long as the system remains.

MR. DAWES. Now, Mr. President, so far as the school at Carlisle is concerned, the first objection of the Senator to its management is that its supplies have been purchased in open market, and not under the ordinary rule of advertisement for bids. I am informed that that existed only when the school was supported from the civilization fund, as it is called, which had no provision attached to it that required any advertisement; but for the last year, since it has depended upon appropriations by Congress, the supplies have been purchased under contracts after bids, precisely like all the other supplies of all other departments of the Indian service.

The next criticism by the Senator of the Carlisle school is that it treats Indians in a fancy education, as he calls it. Now, sir, I wish the Senator would visit Carlisle; I wish the Senator would become as familiar as possible with the details of that school in its methods and in its results, and I am quite sure that when that time comes we shall hear no more from that Senator in reference to the fanciful character of this education. Whatever may be his opinion of its usefulness, whatever may

be his opinion of the ultimate success of the attempt at Carlisle, the Senator will be satisfied that its failure, if it fails at all, will be a failure in an attempt to apply the plainest and simplest methods of practical everyday education for the service into which an Indian can possibly enter at that school.

The Senator speaks of paying the Indians at that school for their services. What they earn at the school goes in as a part of the method of defraying its expenses. Let me read from the Indian Commissioner's report what those scholars in this last year, the third year only of its establishment, have accomplished in what I thought was "practical education," but which seems to the Senator better termed fanciful. The Commissioner says:

At Carlisle and Hampton the apprentices in the various shops have not only attended to the large amount of repairing, building, and furnishing required at the schools, but have manufactured for use at the various Indian agencies 233 sets double harness, 13 wagons and 1 buggy; 2,000 pairs shoes, and 14,124 articles of tinware, and the schools have been credited with the value of these articles at the contract prices paid therefor by the Indian Office. The apprentices to the trades of blacksmith, carpenter, printer, shoemaker, tinsmith, wheelwright, painter, butcher, tailor, saddler, and baker have numbered 183. The energies of the rest of the boys were devoted to farm work.

Instead of paying for these double sets of harness and these wagons and buggies and this tinware and these shoes to contractors in the country, that sum has been paid in to the support of a school devoted to the fitting of Indian boys and girls for practical life; and this last year, the end of the first three years, there have gone out, I think, about fifty educated in these schools, and Captain Pratt and those under him have taken them and sent them out in business; have put them to doing the work which we are required by treaty to do at the different agencies. Where a blacksmith is required by treaty an Indian young man, taught to be a blacksmith at this school, has gone and taken the place of the white man who has worked in a manner so unsatisfactory to the Senator from Kansas. The tailor has gone there to make the clothes and repair the clothes that we are obliged by treaty to furnish to the Indians; and so shoes have gone out there for them. And yet the Senator thinks that no practical good can come of maintaining such schools as these. If merely the profit and loss in dollars and cents were counted you would find that it is a matter of economy to pay an Indian for doing work for the Indians the same price that you pay a white man; for every intelligent Indian laborer that goes out among the Indians is a silent teacher by his example; he exerts an influence upon all the Indians around him and teaches by his better condition of life and mode of life every Indian who sees him at his work that there is a better way for them to support themselves than to rely upon the Government for their sustenance. Every Indian scholar at these schools thus taught is a pledge not only of peace that we hold from the Indian tribes whence the boy or the girl comes, but he or she goes back in due time to carry these influences among the Indians.

The Senator has given an example of the Northern Cheyennes and others that he has observed failing to be profited by misdirected effort heretofore in the line of education. I doubt not it is true; I have seen something of it myself, not so much as the Senator; but we favor these schools because it has been made manifest to the committee, and I supposed to the Senator himself, that these schools were what those schools were not, practical, economical, wisely-directed efforts in the line of taking the poor savage and lifting him up into manhood and making of him a citizen of the United States, whose laws he has got sooner or later, and now very soon, to obey, and in the doing which under our system of government it can not be avoided that he is to have a share equal with any white man.

Sir, the Senator speaks of what he has seen. Let him take another and a more hopeful example and I beg him to find in it encouragement and not discouragement in this work. After the awful massacre that the Sioux committed in Minnesota a few years ago, twenty-three of them were taken as prisoners of war with their hands bloody with the murder of the white citizens of Minnesota, and sent as prisoners of war under an army officer down to the Dry Tortugas and condemned to indefinite imprisonment there with that officer as their guard. There they staid in moody idleness year after year until that officer, by permission of the Department, of his own mere will, volunteered to put them at such work as he could persuade them to perform among the citizens that dwelt in that vicinity. What has come of that experiment? Those twenty-three prisoners of war have come to be not only intelligent and profitable laborers, but have become so educated in the practical affairs of life that they have come up with the permission of the Government, relieved of their imprisonment, and are found at Hampton and Carlisle teachers of their fellow-Indians, and some have gone back to the tribe to tell those Indians whom they left behind of a better way for them to spend their time and their efforts than that of hunting and killing their fellow-men. They have become active, energetic, and worthy men through the instrumentality of these schools.

Sir, there is upon this country, pressing near at hand, a problem in reference to the Indians that it must meet by some other process than either of the old methods or by contenting ourselves with finding fault with the efforts which are being made to elevate into practical life the savage in this country. The reservations, like the game, are disappearing; the railroads are cutting them through and through. We have decided that what Congress shall consider the requirements of eminent

domain will justify the leading of railroads through every part of the Indian Territory. There is no longer a foot of land protected by treaty or otherwise from that irresistible march of the forces of civilization that is sweeping over every acre that has been set apart heretofore for the Indian. He is to be—and there is no other way—a part of the body-politic; two hundred and fifty thousand are coming upon us sooner than we are prepared for them, the old without education, without knowledge of the methods of sustaining themselves, with no habits of earning a livelihood, brought up to depend upon daily food handed out to them by the Government as rations are dealt out to soldiers; and what are we to do with them? To say nothing of the young of these tribes, what are we to do with the old people? They have got to be made subject to our laws, and not one in a hundred of them can speak a word of the language in which the laws they are required to obey are written.

They are to go in and out of our courts and submit themselves, their rights, and their liberties to the decision of a tribunal they know no more the meaning of than they do of their own insane and bloody instincts. They are to be taken care of when their reservations are gone; and if we shrink from the effort to put the rising generation upon a footing where they will not only be able to take care of themselves, but will also be able to aid in taking care of that generation which is too old to be taught new ways and new methods, we are short-sighted, in my opinion, and derelict in duty. The Secretary of the Interior, lately entering upon the duties of that Department so largely comprised of the treatment of the Indians, has grown by study and by actual contact with the Indian question in all its phases into a comprehension of this problem, and the conviction that the only solution of it is to introduce with all the rapidity possible into the young Indian mind everywhere and by every possible means the ideas and the hopes and the resolutions out of which comes a citizen, and upon that basis he builds the only hope he entertains of being able to relieve this Government of the condition, so near at hand, of having two hundred and fifty or more thousands of adult Indians to take care of without even public domain enough to corral them.

Sir, I hope the Senator from Kansas will give over the criticism of these efforts at the education of the Indian which have resulted in such encouraging success, which have awakened in the public mind so generally an earnest effort to co-operate with and stay up the arm of the Government in this sensible, rational, wise, and I hope the Senator will permit me to add this humane effort to not only do justice to those tribes who have such an account against us, but to prepare for our own self-defense and protection in the dealing with them in the near future.

Mr. BECK. Mr. President, what is the amendment proposed? I desire to have it read.

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

The ACTING SECRETARY. In line 1068, page 44, it is moved to strike out "and," and after "education," in line 1069, to insert "and transportation;" so that the clause will read:

And said sum shall be disbursed upon the basis of an allowance not exceeding \$235 for the support, education, and transportation of each scholar.

Mr. DAWES. There is no objection to that amendment.

Mr. LOGAN. I wish to ask a question. Why is it that the \$35 is added to the \$200 for each scholar at this school when there was no estimate for it, when the superintendent of the school did not desire it? I merely wish to know why that is done. I am in favor of giving appropriations that are proper for educating anybody who needs it, but I do not see why we should appropriate more than the Indian Office or the superintendent of the school desires, and force him to take money to spend when there is no necessity for it. I cannot understand that.

Mr. DAWES. The Indian Office did not estimate anything.

Mr. LOGAN. When I say the Indian Office, I mean that the estimate certainly comes from them.

Mr. DAWES. I know it.

Mr. LOGAN. The \$35 is additional to the \$200 estimated.

Mr. DAWES. I have not looked at the Book of Estimates, but I do not understand that anybody estimated a limitation. There is a reason why it is supposed necessary to make this sum larger at Carlisle than at Forest Grove. The Senator alluded to the difference in cost. Last year it cost this institution \$235 and Forest Grove only \$197. The reason of the difference is that Forest Grove is situated in a country where the grain that they live on and the beef that they eat and all their provisions are at the door and are obtainable at the cheapest possible rate. It is not so at Carlisle. Forest Grove has had the benefit of the benevolent people of the country taking the scholars there at their own expense, and doing very many other things to relieve them. I am not certain but that, as the Senator from Kansas says, it would be possible for Captain Pratt to get along with \$200 per scholar, and therefore I am not so strenuous about the increase. I do not think it vital to the interests of the school that the amendment should prevail, but I desire that the institution should not be crippled. I look upon him as a rare man in a rare work, and until our finger can be put upon a dollar unwisely expended by him, not economically expended, I would give him the \$235 a scholar. But still, as he says in his letter, he is not to give up the work which he has so near at heart by any undue restriction put upon him.

Mr. LOGAN. I certainly do not rise to criticise the action of the committee, as I am myself a member of the committee. I rise merely to ask a question. I ask, why the necessity of adding this \$35, when in the committee the matter was thoroughly examined, and we did not agree to any such thing, but thought \$200 was sufficient? That was what I rose to ask.

Mr. HOAR. May I ask the Senator a question for my own information if it does not interfere with him?

Mr. LOGAN. Not at all.

Mr. HOAR. The bill appropriates a certain sum for Indian education, and this is not an increase of the sum, but is an increase of the possibility of sending a particular number of scholars. Suppose, for instance, he can do it for \$150?

Mr. LOGAN. I have never known them to do it for less than was allowed.

Mr. HOAR. The point of my question is this: If you authorize \$235 apiece to be spent for a certain number of boys, that might be true; but suppose you say to Captain Pratt, we will give you \$100,000 or \$10,000 to so expend, but not more than \$235 or not more than \$200 for each scholar, the only question is how many more scholars he gets, not how much more money he gets.

Mr. LOGAN. I understand that, and I will answer the question. If you appropriate in gross and allow him to expend it, but restrict him, it is a restriction of the spending of money when you appropriate it in gross, but the restriction was \$200, and it has been increased to \$235. The committee did not understand that there was more than \$200 required.

Mr. DAWES. I will answer the Senator's question.

Mr. LOGAN. In a moment. I will say to the Senator that I am as much in favor of educating the Indians as anybody. I advocated it long before my friend became so engrossed and interested in this matter, and I am willing to advocate it again in a proper way; but I do not see the necessity of Congress appropriating more money for the education of the Indians than is absolutely necessary.

It will not do to say that it is going to cost as much to educate an Indian as to educate a white man. If you put him in a school and feed him on ice-cream it will; but when you bring an Indian from the plains, who never had a suit of clothes on in his life till you took him, who never slept in a bed, who never had a floor in his house and never lived in a house in his life, and then undertake to make a civilized white man of him in the first thirty days, and use him as you do, I say it is all nonsense and is unnecessary.

If the \$235 is absolutely necessary I am willing to give it; but I do not think it is. I have not been to Carlisle, but I have inquired of people who have been there as to the manner in which the Indian boys there are treated, and I think they are treated exceedingly well, and by the citizens a good deal better than white people are sometimes treated. So I have been told. They did not go there expecting to wear bouquets in their coats, when they had never worn a coat before; and still they do that. They are flattered. I want them to be educated, and I want them to be absorbed in the white people as good citizens, but I want it to be done in a proper way.

While I am up I will make one or two suggestions about the education of Indians. Whether it be of any advantage or not for me to do so, it will relieve my mind.

I am not in favor of sending teachers to the Indian tribes to educate them among their tribes. I do believe in these schools to educate Indians and make shoemakers, blacksmiths, carpenters, and mechanics of them. I think that is well enough, but I would go further than the Senator would. I would put them into the Army. When they are educated and turned into the world, if they wished to join the Army I would give them permission to do so. I think they would make good soldiers, and I think that is the best place for many of them after you educate them.

It will not do to tell me that it will benefit the Indians, after you educate them, to send them back to their tribes, where they live in hogans and do not live in houses, and where they do not cultivate the soil, for I do not believe it. I traveled this summer and fall among quite a number of Indian tribes. Without mentioning the tribes or mentioning the persons, I will give you what I saw.

At one place where the Indians had been sustaining themselves for two hundred years peacefully and quietly, who have never had an outbreak since history has known them, I found a school-house, with school-books and school furniture all piled up in one corner of the room. School had been taught there, they told me, and so the white man said, for four years. I examined for two days through that Indian town to find an Indian who could speak the English language, but I did not find a man, woman, or child who could speak three words. The Government had been paying for the education of those people for four years. I did not find any scholars at the school, and I did not find the teacher there. He had been gone for eight months. I found a church-bell sitting in the middle of the house, in the middle of the floor of the school, that cost \$200, and there was no church. I suppose the idea was to buy a bell first and then build a church to it, on the principle of the man who found a hoop and concluded it was a good thing to keep because he could use it towards making a barrel.

I saw another tribe of Indians who are 18,000 strong. Not one of those Indians ever lived inside of a house, unless he was captured and taken inside of a fort. They live in brush, what they call hogans, on the ground; they sleep on skins, live on melons and corn, and raise sheep, and they are a rich tribe of Indians. At that Indian reservation there was a school-house, built, I suppose, with Government money, out of hewn stone, as large as any of the large first-class school houses in the city of Washington. In that school-house they had recitation-rooms, they had the finest school furniture, all kinds of books, and large maps hung upon the wall. They had a dormitory for the sleeping of Indians that would accommodate 200, and yet there was not a scholar at that school, but the books were piled up all around in the corners of that school-house. I saw that.

I asked the Indian agent, What necessity is there, for the purpose of educating Indians who never wore a suit of clothes in their lives, or a hat, or coat, or anything but moccasins, until they were twelve or fourteen years old, to have a house like this, an immense stone house, with all this fine furniture, as fine as you would find in any of the academies in this country? I do not believe in that system.

Mr. DAWES. Let me say to the Senator that at that place that school-house was erected by officers of the Army, and there does not appear to have been a dollar of money expended there charged to the Government for educational purposes.

Mr. LOGAN. If the Senator will allow me to beg his pardon, I will say that he is mistaken. It was erected by the Indian agent, because he told me so himself, and told me what it cost.

Mr. DAWES. Those Indians were in charge of an officer of the Army.

Mr. LOGAN. No, sir; they were in charge of an Indian agent.

Now, let me go a little further. I agree with the Senator in reference to education, but I want it to be practical education. I insist that the attempt to educate Indians, whether at a reservation, in a house like that, with that class of furniture, with desks, with a dormitory for Indians who had gone naked until they were fourteen years old, and slept on the dirt, and never in a house, is simple nonsense.

Mr. DAWES. I agree with you.

Mr. LOGAN. It is simple nonsense and an absurdity. I told this Indian agent if I had the power I would turn him out that minute for expending the Government money in that way. He was turned out in a few weeks. I do not know whether anything I said had anything to do with it; I do not suppose it had; but I would turn out an Indian agent in five minutes who would spend the Government money in any such manner as the Government money was spent there.

Now let me go a little further. I talked with the chief of that tribe, and that old chief, who is 76 years old, told me—whether he told the truth or not I do not know—that the only children who had gone to that school were one or two of his that he sent there and one that another chief had sent there, and that not one of them ever staid there over three weeks. He said his child staid three weeks and he had to take it away; why it is not necessary for me to mention and I will not mention. He said that the school did the children no good; they did not live in houses; they did not understand that sort of thing; it spoiled the children, and when they came back to the dirt they were dissatisfied. That seemed like a sensible thing to me. He said he wanted his children to learn to work, to learn to make shoes, to learn to keep house, and he said he wanted his tribe to learn to live in houses, but there was a prejudice against that, and he told me the reason. He said that his tribe believed that where a person died in a house the family could not live there afterward, and if they did they would all die; and hence they would not live in houses; and they were expensive to build; and therefore they lived in brush hogans, because whenever a person was sick and died in those places they left and made another one.

Not only that; they are a nomadic tribe. They raise sheep and travel all over that country following their herds, and they take these brush houses, if you may give that name to the hogans, live in them a few days, and go and build others. That was the condition and habit of those Indians.

So I say to my friend from Massachusetts that if he wants to educate any of the youth of that tribe, bring them away from the tribe and put them in a school somewhere else, and then put them into some business where they can become citizens and become of some advantage to themselves and of advantage to the people; but it is all nonsense after educating any of these Indians to send them back to that tribe expecting that they will educate the tribe, for they will not do it.

There are many other things in connection with that tribe of Indians that I could mention which I will not, because I do not want to stand here and criticise the action of anybody if I can help it; but one other thing I will mention, and then I shall be through as far as that is concerned.

I visited some ten tribes of Indians; I have spoken of two; I will speak of one more, the last tribe that I shall refer to, without mentioning the name. I went to the Indian agency, and there I found a school-house. The school-house was twelve miles away from the Indian agency, so that the children either had to go and board there with the agent or had to travel twelve miles to the school. They refused to do either; and yet this Government has paid teachers, and the books show that they

tought seventy-five scholars. The chief of that tribe is a very intelligent man, though he could not speak English, and I had to use an interpreter, and through him he told me they never had had five scholars at any one day in that school, and they got a few old women and their children to go in there at different times and stay for about an hour and look over the pictures, and then they charged them all as scholars. I believe he stated the truth.

More than that, I found there was a charge for a farm and I stepped off the farm myself and it was just ninety steps square and there were just three rows of corn in that farm about that high. [Indicating.] That is the Government farm that the Government pays for. That agent showed me a barrel of sugar that was sent to those Indians and he took thirty-five pounds of stone out of one barrel, and I saw it weighed myself. There are many other things I could speak of in this connection, but this was for children sent there to be educated, as I was told, to feed them while they were boarding there, paid for out of the civilization fund, as he told me, though I do not know what fund it came out of.

Therefore I say I am opposed to this thing of throwing the Government money away by sending schools out among the tribes, unless you find a tribe of Indians who want them and you send teachers who will deal honestly with the Government. Then if they have scholars to be brought in and educated, I have no objection. I believe the Indians are capable of being educated; I believe some of them can be educated, and that great good can be done to them; but there are many ways of educating Indians. My idea would be to give the Indians sheep or cattle; make herders of them, and let them learn pastoral pursuits first. Let them learn to live in houses. One step that I would suggest would be for the women to learn housekeeping. Let the boys learn such things as were stated a while ago; let them learn to labor. When they become civilized let them go into the Army, if they desire. Let them perform duties of this kind. Among some of the tribes I visited there are plenty of them who make good laborers. I saw some of them at Fort Wingate myself making brick and putting them up in houses and doing as good work as white men. I talked with the commanding officer there, and he said they would make just as good soldiers as white men. These Indians were quiet and peaceable and civilized to the extent that they were brick-makers, and some of them are the best saddle-makers in the whole country, making the saddles used in that country.

Give them some employment of that kind and you may civilize them in that way, but you can not文明ize them by undertaking in the first thirty or ninety days to make civilized men of them and give them a good education. You can not do it, in my judgment. This does not apply to any particular party or set of men. In all our dealings with the Indian tribes since this Government has had control of them there has been trouble in connection with them. My judgment is that the Government has dealt unwise with the Indians. It has driven them from one reservation to another. When they were satisfied on a reservation where they have been born and raised they have been changed to some other spot. I know of one reservation myself to which Indians were ordered to move, and I was told by the Indian agent that there was not water enough on that agency to give the Indians one drink; yet they were ordered to be placed there. The Indians refused to go, and they did exactly right. I would not have gone there.

We have got to deal justly with the Indians; at least we ought to do it. I would take their arms away from them. They have no need of arms; there is no game in that country for them to hunt. The deer is all gone; the antelope and the buffalo are gone; a few bears are left, but the Indians who are most civilized will not eat bear meat; they will not kill a bear; they have a prejudice against that kind of meat. There is no hunting-ground and no game for the Indian in any of the Territories that they occupy to-day that amounts to anything, except among a few of the tribes. I would dispossess them of their arms, so that they could not go on bloody raids against the white men, and I would send the white man to the penitentiary who would sell to an Indian the arms used for the purpose of killing his neighbor or his friend. I would make the punishment apply to white men as well as to Indians. I would citizenize the Indian as fast as it could be done and absorb him into the communities, and let him perform labor and work such as he is capable and competent of doing.

Mr. President, we talk about being Christians and civilized people. I hope we are. We undertake to文明ize the Indian. The very moment we get him up to the point where he can take care of himself, what do we do? A bill was passed last Congress through these bodies—and I may have voted for it; I do not know; it may have been called up without any notice; I do not remember anything about it, except I recollect asking one of the Senators in reference to it one day; I did not suppose it was passed—and is a law now upon our statute-book, that deprives any Indian of the right of keeping a store or selling goods to his own tribe. I say that is a brutality and a barbarism.

Mr. SAUNDERS. The Senator is mistaken as to the law applying to Indians; the prohibition is as to the half-breeds.

Mr. LOGAN. Very well, suppose it applies to a half-breed. Will some man tell me why a man because he is a half-breed Indian shall not have the privileges of an Indian?

Mr. SAUNDERS. The Senator is mistaken about the bill. The bill

to which he refers does not provide that those persons shall not trade, but that they shall not trade without getting a license the same as a white man. That is all. The bill was amended after the Senator saw it, probably; but that is the condition of the bill. It has been decided in fact under that that the Department can appoint a half-breed as a trader, and it has been done within the last few days.

Mr. LOGAN. Yet the law prohibited them from being appointed as traders and prohibited them from trading with the Indians. That was the bill. The Senator says it was amended so as to prevent them unless they took out a license. Now, you bring an Indian here and educate him and say you are going to send him back to his tribe, and when you send him back to his tribe if he wants to sell tobacco, or snuff, or cigars, or sugar, or coffee, or anything to the Indians he can not do so; that business you give to the licensed Indian trader. That is civilization of the Indian with a vengeance! I do not believe in that kind of civilization. If the Indians are to be civilized, let a man who is capable of trading with them, though he be an Indian, go there and set up a store if he wants to and trade with his own people, the same as the Senator has a right to do with his people in the town that he lives in.

Mr. President, that is all I care to say in reference to this question. I am for this bill and I am for the advancement of the Indian; but I do not want to see the Government all the time appealed to to throw money away for the purpose of doing that which you can not do. Do that which you can do for the advancement of the Indians, and I will go as far as any man in the Senate or elsewhere for that purpose.

I desire to offer, before the bill is acted on, an amendment which I will send to the desk.

The PRESIDENT *pro tempore*. There is an amendment now pending.

Mr. LOGAN. I do not mean to offer it now, but to offer it as a section before the bill is through.

Mr. SAUNDERS. I think the bill referred to by the Senator from Illinois is right. I voted for it. The Senator seems to doubt whether he voted for it or not.

Mr. LOGAN. I said I did not know. Perhaps I did vote for it.

Mr. SAUNDERS. I did, and for the reason that if a half-breed had a right to trade in that country in a different way from the white man it would encourage the business of raising half-breeds among the Indians, a thing which I thought the Congress of the United States ought not to encourage; and hence I proposed that the half-breeds should go through the same ordeal that a white man does before being a trader and that he should be required to give bond for the faithful performance of his duty, for properly obeying the orders of the agent at the agency the same as a white man; I think that was right. I want it understood that I favored that.

Now, while I am on the floor I will venture to say that I agree with very much and with the most that has been said by the Senator from Illinois. I believe we have made a mistake by undertaking to teach the Indians letters in place of labor. We ought to have commenced at the other end and taught them how to work, how to work out their living, and gradually brought them into letters and attempted to make good scholars of them. If there is any one subject that I ought to know something about more than some other people from other parts of the country, it is the Indian subject. I have been with them and about them and near to them all the days of my business life, and I am convinced that the course now being pursued, if properly carried out, will in the end result in good to the Indians and in no harm to the whites. The Indians must be taught how to take care of stock, how to take care of their farms, and for that reason I brought in an amendment last session setting apart a school-house that belongs to the Government of the United States, in my own State, for the purpose of teaching Indians. I stated at that time that it should not be erected in the neighborhood where the Indians themselves lived. You want to take them, as the Senator from Illinois said, away from their homes; you want to take them some distance, where they will not be surrounded by their people, because their parents and others around the camp will not allow them to speak our language.

What we are trying to do and what we are proposing to do before we can get through this bill is to amend it so as to allow a little larger purchase of land for the purpose of cultivating the soil, to teach the Indians how to raise their own provisions, or at least their vegetables, and in this way train them up, aid them in saving something to the Government, and aid them in learning how to do this work for themselves.

I am not one of those who believe we want to send all the Indians to the eastern schools and give them all book-learning. Give them a trade; teach them to manufacture goods, to manufacture woodenware and willowware and the like. They can do it just as well as any other people. They are rather an industrious people so far as the women are concerned; they labor and make moccasins and certain things for sale, and do the work better or at least as well as any white people can do it. If you encourage their men in the same way, lead them out, give them property, let them call it their own, divide up the land and give it to them in severality, so that they may have a title the same as we have, you will give them encouragement that they have never heretofore had in this country.

I speak from what I know on this subject. I have visited some of the Indians in my own State, and they say, "Why can we not have a

title to our land the same as you white people have; you do not give it to us; you do not encourage us." I am glad to know that one step has been taken in the bill passed by the Senate a short time ago for the purpose of dividing out the lands of these people. I believe that is right. Then, I know further that these same Indians are now being trained in the arts of farming, so that they are selling grain. Not only that, but they do not allow people to come in now and buy their grain at the agency and compel them to take whatever price the agent may give them. I saw them myself hauling wheat to Sioux City, some distance from their own homes, which they had raised themselves, and they were taking it to market the same as white men. When that kind of thing is done, when that kind of encouragement is given to the Indians, you will find a different state of affairs from what they have heretofore had; and I am in favor of that.

Mr. LOGAN. I have now the two laws, and I desire to call the Senator's attention to the laws as they exist with the repealing act which I see he introduced at the last session of Congress. Prior to the act that he introduced and which was passed the law was this:

Any person other than an Indian who shall attempt to reside in the Indian country as a trader, or to introduce goods, or to trade therein without such license, shall forfeit all merchandise offered for sale to the Indians, or found in his possession, and shall moreover be liable to a penalty of \$500.

The section preceding that is the section authorizing Indian traders. This section of the statutes, section 2133 of the Revised Statutes, provided that the Indians might trade with one another, and that a licensed trader should not be interfered with. We thought then it was something of civilization after we had educated an Indian to let him trade with his own tribe, and that was the law. What is the law now?

That section 2133 of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall read:

"Any person other than an Indian of the full blood who shall attempt to reside in the Indian country, or on any Indian reservation, as a trader, or to introduce goods, or to trade therein, without such license, shall forfeit all merchandise offered for sale to the Indians or found in his possession, and shall moreover be liable to a penalty of \$500."

That is the law of July 31, 1882. What is the object of that? Some of the half-breed Indians who have been educated and are competent and capable of selling goods undertook to trade with some of the tribe to which they belonged, and I suppose that interfered with some licensed trader, and, because of that interference, Congress must interpose and say that no person having Indian blood, except a full-blooded Indian, shall trade with Indians under a penalty of \$500 fine. I say that act in itself is against civilization and is a barbarous act, whether I voted for it or not.

Mr. SAUNDERS. Do you understand that that act prohibits a half-breed from trading under any circumstances?

Mr. LOGAN. I do, unless he gets a trader's license.

Mr. SAUNDERS. Exactly.

Mr. LOGAN. Then he becomes a trader; but there is not a half-breed trader unless one has been appointed; and unless he is appointed as a trader having exclusive privileges he can not sell a plug of tobacco to an Indian.

Mr. SAUNDERS. That was the very object of the bill.

Mr. LOGAN. Ah, I see it was. The object of the bill was to keep the Indians from trading with one another.

Mr. SAUNDERS. Not at all.

Mr. LOGAN. And of putting it in the hands of the traders so that they would have the whole thing.

Mr. SAUNDERS. The question is whether you call a half-breed an Indian or a white man.

Mr. LOGAN. I do not call him a white man any more than I would call a mulatto a white man.

Mr. SAUNDERS. They do not call him an Indian, so that I suppose he is an outcast. The very object that a half-breed should go through the same ordeal as a white man before being allowed to trade with Indians. They ought to have no privileges a white man does not have.

Mr. LOGAN. Among their own tribes I think they ought.

Mr. SAUNDERS. If you call a half-breed an Indian, that is all right.

Mr. LOGAN. Where will they go? They are not white people. I do not want to continue a discussion with the Senator from Nebraska; but I say that under the theory that you are trying to civilize the Indian, to educate him so that he can do business with others, and then to prohibit a man because he has Indian blood in him from trading with his own tribe, is barbarism, and not civilization.

Mr. BECK. I do not desire to discuss this proposition, but I desire to ask the Senator from Massachusetts if the amendments of the committee which have been adopted are now amendable? I have an amendment to offer to an amendment offered by the committee. Would that be in order now?

Mr. DAWES. Not yet.

Mr. BECK. I do not desire to say anything on what is now pending.

Mr. DAWES. Let us have a vote, Mr. President.

The PRESIDING OFFICER (Mr. VOORHEES in the chair). The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. DAWES. I have no objection to that.

The amendment was agreed to.

Mr. BECK. I desire to offer an amendment to an amendment of the committee.

Mr. DAWES. Will the Senator allow me to offer one that was omitted by mistake?

Mr. BECK. Of course. I thought the Senator was through.

Mr. DAWES. On the thirty-third page, after line 786, I move to insert:

To enable the Secretary of the Interior to complete the negotiations with the Sioux Indians for such modification of existing treaties and agreements with said Indians as may be deemed desirable by said Indians and the Secretary of the Interior, in accordance with the provisions of the sundry civil act, approved August 7, 1882, \$5,000, or so much thereof as may be necessary, and to be immediately available.

The amendment was agreed to.

Mr. BECK. The amendment I propose is, on page 15, at the end of line 353, to strike out the words "a more suitable location on their reservation" and insert "the vicinity of Fort Custer." The clause now reads:

For this amount, or so much thereof as may be necessary, to furnish flour and meat, and such articles as from time to time the condition and necessities of the Indians may require, \$48,000, and of this sum \$10,000, or so much thereof as may be necessary, may be expended for the removal of the Crow agency to a more suitable location on their reservation, and for the erection of necessary agency and other buildings.

My motion is to strike out "a more suitable location on their reservation" and to insert "to the vicinity of Fort Custer," and I desire to say a few words in regard to this amendment.

I said yesterday that I had occasion last summer to pass through the Crow reservation, and was there for some length of time and conversed with very many intelligent Indians and with the officers of the fort; persons who seemed to take more interest in the Indians than anybody else; and this was the information I had from their present agent in a few words; I received it this morning:

Their agency—

The Crow agency—is badly located. The land there is poor; the spring is a month later and the winter a month earlier than here. The snow there is in winter deep; here there is very little snow and very little wind in winter. An extensive and expensive saw-mill is now being put up at the agency, when it is well known the Indians will not live there and could not live there by farming if they desired to do so. The treaty allows them to select their lands for cultivation, but the bureau will not allow the farming implements to be given to those who select outside a radius of 20 miles. From the letter on the subject written you from the bureau, I gather that \$12,000 of the \$25,000 they got from the railroad for right of way is to be expended in surveys. This is all wrong. The bureau knows the Indians would not consent to such a use of their money could they help it.

That, together with a good many valuable suggestions I received from a distinguished officer to whom I wrote. Neither the Indian agency there, nor the Indian Bureau, nor the Department of the Interior have ever treated this question of the Crows with any sort of care, nor have they done anything that sensible men would do with regard to that very important tribe of Indians. I have no doubt that if the Senator from Massachusetts [Mr. DAWES] and the Senator from Kansas [Mr. PLUMB] and the Senator from Texas [Mr. COKE], together with others from the House, if desired, were authorized to go there and look into this question in regard to the Crow Indians, they would not only make a satisfactory settlement of all the difficulties which now exist with that very important tribe, but they would make such arrangements as would in five years not only make them self-sustaining, but the richest body of agriculturists in the United States, black or white or red, or of any other color.

These people are highly intelligent. They know that where their present agency is they can not live. They can not be made to stay there, and they know that if it is left to the Interior Department to locate them at some other place, they will be located somewhere away from Fort Custer, where the Indians now desire to have their agency, where they all are, for they are around the fort all the time. There the Big Horn on one side and the Little Horn on the other. The great valleys are there, eminently fit for cultivation and for pasturage; and if we want to do any good to the Indians we shall order the Interior Department to put their agency at the place where the Indians now want it, where the lands they want are, and not leave it to the Department's discretion to find some more suitable place when it is shown that they are kept now at the most unsuitable place possible, and that report after report has proved that it is absolutely unfit. The spring is a month later than it is at Fort Custer; the winter begins a month earlier where they now are than it does at Fort Custer. The snows are of such a character that they can not stay there during the winter. All these difficulties would be removed by going to the junction of the Big Horn and Little Horn, but unless we order it peremptorily in this bill they will not be taken there.

I conversed with many of these Indians. They understand their treaty obligations; they understand their rights just as well as the white man; and on the point to which I alluded a moment ago, and that I referred to yesterday, as soon as they found that I was from Washington and in some authority, their chiefs came to me, the officers of the fort, I suppose, having told them who I was. They brought their interpreters. They informed me that they were told and made to believe that if they gave 100 feet right of way through their possessions to the

Northern Pacific Railroad for \$25,000 it would be paid to them in money, and paid at once. They gave up the right of way; the railroad was running, and not a dollar had been paid them; and not a dollar has been paid yet; and it is proposed to take \$12,000 of that \$25,000 for the purpose of making surveys instead of paying it to the Indians, as it ought to have been paid. It ought to have been paid in silver dollars if we have too many locked up in the vaults. That is what they want. They showed me the schedules they had made out of how it should be divided. They had agreed among themselves that each man should have so much; that Old Crow was to have so much of it, and so on. They had it divided out to a dollar, carefully, properly, and rightfully; and they expected to have it this fall.

The PRESIDING OFFICER. Will the Senator from Kentucky suspend for a moment until the Chair lays before the Senate the unfinished business, it being now 2 o'clock?

Mr. BECK. Certainly.

The PRESIDING OFFICER. The bill (S. 133) to regulate and improve the civil service of the United States is the unfinished business.

Mr. DAWES. I ask the Senator from Ohio [Mr. PENDLETON] to consent that he be laid aside informally.

Mr. PENDLETON. I assent to that.

The PRESIDING OFFICER. The Indian appropriation bill continues under consideration.

Mr. BECK. I will not take long. I am glad this discussion has sprung up, for a variety of reasons.

Mr. DAWES. I want to say to the Senator in reference to his amendment that that was the very proposition of the Secretary of the Interior at first, but he chose the phraseology we have in the bill at last because he said it was possible when he got there he might desire to change the location, but he entertained the same views about the location as the Senator does.

Mr. BECK. I believe the present Secretary of the Interior desires to do all he can to aid these Indians. I corresponded with him from that point while I was there and received a long letter from him, which I sent back to the chief, and the Indians seemed to be very much gratified to see what he was desirous of doing—

Mr. DAWES. Suppose the Senator puts in "as near as practicable," or something like that, so that if the Secretary shall find that he desires to move them a little away from there he may not be bound down too closely.

Mr. BECK. Very well. I do not desire to embarrass the present Secretary, but only to insure the bringing about of this result.

I desire to read a letter which I have received. I had not time to read it to the Senator from Massachusetts this morning. It was written, after consultation with me, by the commander of the fort there, who did not care to be mixed up with Indian affairs but was perfectly willing to answer me anything I asked. I believe I will read his letter now. It is not very long, but it is very important, as bearing on this whole Crow question, which I think we can settle now.

Mr. DAWES. Suppose the Senator has it inserted in the RECORD.

Mr. BECK. I can read it in five minutes, I think. This is from General Hatch, well known to many gentlemen here as being a very intelligent officer and certainly one who is very careful in regard to Indian affairs and takes a great interest in the Indian's welfare:

FORT CUSTER, MONTANA, December 11, 1882.

DEAR SIR: In accordance with your suggestion made when here, I give in writing my views as to the treatment that will best secure the advancement toward civilization of the Crow Indians.

It should be borne in mind that they have never been and are not now paupers. They have until now supported themselves by hunting, eating the meat of their game, and supplying other wants by the sale of skins and robes. The failure of the buffalo has led them for the past few months to hunt smaller game, which in its turn is now giving out.

Many of the Indians, realizing the situation, anxiously desire to change their method of life, and with a little assistance given promptly could be induced to adopt more civilized methods of self-support. I say given promptly, because it would be a cruel wrong to make a people, who have still the pride of men, paupers before giving them the assistance promised by treaty.

Aside from justice to the Indians, the interests of the Government demand that the Crows shall not be reduced to utter poverty. Although they have always been friendly, we can not expect them to sit quiet with their children crying for food in the immediate vicinity of great herds of cattle. The vast cattle interests of Wyoming and Montana depend on the good conduct of these Indians. Hunger and destitution may lead to cattle-stealing, retaliations follow, and then war, at a vast sacrifice of property and perhaps life.

Owing to the disappearance of the buffalo the Indians will have hereafter but little use for the large number of horses owned by them. In fact, the horses are now a source of constant anxiety, as they are being stolen by white men and Indians of other tribes.

In frequent conversations I have advised the Indians to sell the most of their horses and purchase cows with the proceeds. Some desire to follow the advice, and I have been asked to arrange an exchange, but of course referred the applicants to the agent. I would recommend that he be directed to transact this business for them and see that they receive fair pay for the horses and are not cheated in the purchase of cows. I would also recommend that a moderate number of cows and yearling heifers be purchased and given to those who will probably care for them.

In an advance towards civilization the Indians must for a time depend mainly on pastoral pursuits, but an effort in an agricultural direction should also be made. For this they, unlike the plains Indians, appear to be prepared. Many of them are selecting lands in severality in accordance with the terms of their treaty, and only need the encouragement of the Indian Bureau and the little assistance in the way of farming implements and seeds promised in the treaty to those who desire to cultivate the land. In the selection of land they show an unexpected aptitude, making generally good locations.

All selections of any moment yet made are in the valleys of the Big Horn and Little Big Horn. These valleys, both for agricultural and pastoral pursuits, are

much the best in their reservation, and are, as you know, very beautiful. They have always been a favorite hunting and camping ground.

That portion of the reservation lying west of Pryor Creek the Indians do not care for, now that it contains no game. The site of the agency is particularly distasteful to them. With all the inducements of food and farming implements offered to those who will stay there, few remain longer than is necessary to get their annuities. There are some good and some fancied reasons for their dislike of that particular place. The poor, thin soil, short summers, long winters, deep snow, are certainly good reasons. Its unhealthfulness is also urged by the Indians. This is not correct; but as it is believed by them, it is a reason. The Crows never willingly go there, except for their annuities, and tell me they will not live there; they will live here. The few who live there are the least enterprising and valuable part of the nation, the paupers of the tribe.

It is useless to expect material advancement unless the agent, a gentleman who has, I believe, the interests of the Indians at heart, lives nearer than one hundred and twenty-five miles from the people he is expected to improve and control. I would therefore strongly urge the immediate removal of the agency to some point either in the Big Horn or the Little Big Horn Valleys, there being beautiful sites well adapted to the purpose. The agency can not under any circumstances remain long where it now is; every day's delay in moving it is so much time lost, and every dollar spent there is worse than wasted. It is believed there is vast mineral wealth in the unceded portion of the Crow reservation lying west of Pryor Creek. The opening of the Clark's Fork mines will soon bring hordes of skilled prospectors, who can not be prevented giving the country a thorough examination. Experience elsewhere has shown that when found the white man will have those mines. If the agency is moved now, the Indians will soon cease to visit that section of their country, and if faith is kept with them in the matter of the sales they have already made, they will be prepared to sell the land by the time it is needed. The above suggests to me a fact I had better mention here. The Indians do not see any benefit from the sales they have made and think themselves defrauded. Although \$30,000 a year was promised them for the land in the western part of the reservation ceded by them, they yet see no results from the sale, and do see that the supplies furnished are smaller than they were before the sale. I do not mean to charge the bureau with any wrong, but think a mistake is being made in reducing the amount of food issued to the tribe just at the time the buffalo have failed and before steps have been taken to teach them to maintain themselves by other methods than hunting.

I sum up my recommendations as follows:

First. Immediate removal of the agency to some point east of the Big Horn River.

Second. The selection of the land in severality in accordance with the terms of the treaty.

Third. Furnishing the implements and seeds promised by treaty to those desiring to cultivate the soil.

Fourth. Issuing a number of cows, bulls, and yearling heifers. Punish for neglect of animals by a stoppage of annuities.

Fifth. The exchange, with their consent, of their horses for cows, the business to be managed by their agent.

Sixth. No reduction of food for two years, except to those who will not work.

Seventh. The applying the money obtained by the sale of their lands to the erection of houses and other material improvements. This, I understand, was promised at the council when the Indians agreed to the sale of the western portion of their reserve. The improvements should be such as the Indians can understand. I do not think any part of their money should be expended in surveys. If surveys are made they should be at the expense of the Government.

Eighth. The purchase of the land lying west of Pryor Creek, the money to be applied to the material improvement of the adult population.

You are at liberty to make such use of this letter as you see fit; but I would like Mr. COKE to read it if he has the time to spare.

I am, Senator, very respectfully, your obedient servant,

JOHN P. HATCH,
Col. and Bvt. Brig Gen., U. S. A.

Hon. J. B. BECK, United States Senate.

Mr. DAWES. I suggest to the Senator to change his amendment to the language of that letter: "to some point east of the Big Horn."

Mr. BECK. I prefer it in that way.

Mr. DAWES. If the Senator will put it in that form I shall not object to it.

Mr. BECK. I want to say just one other word. I know from personal observation and from consultation, both with the Indian chiefs and with the officers, that this whole Crow problem can be settled by the suggestions contained therein; and if some such bill as I referred to yesterday as passed by the Senate at the last session, at the instance of the Senator from Massachusetts and the Senator from Texas, become a law, they will soon become useful producers. This is what is said about the Crows in the report for 1881:

Our last census shows the following: Men, 960; boys, 770; women, 1,100; girls, 670; total, 3,500 souls.

They had then a reservation embracing near 8,000,000 acres of land; it has been reduced to 6,500,000—

extending from the one hundred and seventh meridian to near the one hundred and eleventh on the west, and includes all that portion of the Territory lying between the Yellowstone River and the Wyoming line. The Yellowstone Range of the Rocky Mountains extends almost along the entire southern boundary of the reservation. Between the mountains and the river the face of the country is hilly and broken, but is covered with excellent bunch grass, which, with numerous streams of pure cold water, makes it one of the most desirable grazing regions in the West. There are numerous fertile valleys, all of which can be irrigated by the streams which meander through them, and which produce bountifully anything grown in this latitude. These streams are fed by springs and the everlasting snows in the wild gorges of the rough mountain side, all joining in the Yellowstone in their mad rush to join the Father of Waters.

They have 14,000 horses; they have 600 cattle and a number of other things. I saw myself over 8,000 ponies. There is a whole tribe of a thousand male Indians going north of the Yellowstone to hunt the buffalo, the last hunt they ever expected to have. They are only allowed now meat for about four months in the year and flour and meal for about six weeks. They know they will have to sell their ponies; they will have to buy cattle, and they want to do it. They desire to be settled in severality along these valleys in accordance with their treaty. They have staked out the land they desire, each chief having the families that pertain to his immediate portion of the tribe with him. I saw their localities, I saw the ditches they were making for irrigation, and they can irrigate anything with the Big Horn and Little Horn Rivers in that neighborhood. Their women will raise their potatoes and raise

enough food to eat. The men say, "If we can herd ponies, surely we can herd cattle; but we can not do anything until the treaty stipulations are complied with and we are allowed to have our land." They complain that the United States requires them to settle away in the western part of their reservation, where, as General Hatch says, the summer is too short to raise anything, the winter a month earlier and spring a month later than at Custer, and there is no possibility of raising anything in that vicinity except along the Big Horn and Little Horn, where the land is already staked out, the finest grass land in the world, and irrigated, as they can do it, with no expense, capable of producing anything.

This is what I desire. Why wait after the buffalo are gone and they can no longer make a living, until they have to sell their ponies and become vagabonds on the face of the earth and get into troubles with the whites and then have an Indian war? These men said to me, "We have no desire to have trouble with the whites; we cannot afford it; we have 6,500,000 acres of land, one-third of which, at least 2,000,000 of acres, is as good land as there is in the Northwest, almost the very best." There are not over a thousand families—in all only 980 men. That would be 2,000 acres for each family. They only want 160 acres each, and they are willing to sell the remainder of it at anything like a fair price. But they want it done now while they have yet their 10,000 ponies, and they can sell them from \$60 to \$80 apiece, and some as high as \$100, and convert them into cattle, and herd the cattle, and have homes of their own and be self-sustaining. If that is not done then trouble will come, because starving savage men will, of course, commit outrages.

We have been going on under this system without looking to any of these things. As I said yesterday, this Indian appropriation bill (and it is no fault of the Committee on Appropriations that it is so) is a burlesque upon common sense. I am glad the Senator from Illinois [Mr. LOGAN] spoke of it as he did. Ten years ago, while I was in the House of Representatives, I was on the Committee on Appropriations under the Senator from Massachusetts [Mr. DAWES], when we refused to carry out those treaties. I was on the sub-committee appointed by him, and we investigated the whole subject of Indian affairs, and all that was said by the Senator from Illinois was proven to be true in regard to the treatment of the Indians. We are going on now, and they are becoming poorer and poorer, for the longer you make them paupers, the longer you support them, the poorer they will get, the worse they will be, and the more trouble you will have with them after a while.

Now is the time to make a change. It was for that reason I had the letter read, and it was for that reason I called attention yesterday to the bill that was passed by the Senate at the last session, so that we may take hold in a sensible way of the Indian question and settle those men upon lands of their own, giving them some inducement to work, converting their now useless ponies into valuable cattle. Thus you will settle the question forever and leave them the richest tribe of Indians, yes, the richest agricultural body of men on this continent. But to postpone it for a year or two going along in the same way we are doing now, keeping their agents in a place where they can not go and they tell them they shall not have land unless they take it within twenty miles of the agency, and starving them when they attempt to do it, putting up costly buildings there of no sort of use to them, you might as well throw the money away. The Indians become worse and worse by your so doing.

We made the mistake years ago in not transferring this whole business to the Military Department of this Government. We have a lot of Indian agents scattered over the country whose interest it is to make all they can as soon as they can and get away as fast as possible. We have improved the service very much of late years, it is true, but the vice is in the system, in the divided authority, and we shall never have it done satisfactorily until we can give the Indians the lands to themselves and the right to do with their own what the white man would do. I have said all I care to say. I wanted to call attention to the importance of this thing. I will modify the language of my amendment as suggested by the Senator from Massachusetts. I did not hear exactly what language he desired. All I want is to have the agency removed.

Mr. DAWES. If the Senator will use the language of General Hatch in his letter, then I think it will be safe enough.

Mr. BECK. Recommending the removal of the Crow agency?

Mr. DAWES. To some point east of the Big Horn River, he says, does he not?

Mr. BECK. Yes; the Big Horn and the Little Horn come together at Custer.

Mr. DAWES. I do not know anything about the locality.

Mr. BECK. I say "to the vicinity of Fort Custer" in my amendment.

Mr. DAWES. Somewhere in the vicinity of Fort Custer. I think there would be no question about it.

Mr. BECK. That is where it ought to be.

Mr. DAWES. Then let the amendment be adopted.

The PRESIDING OFFICER. The amendment will be read.

The PRINCIPAL LEGISLATIVE CLERK. After the word "to," in line 353, it is proposed to strike out the words "a more suitable location on their reservation" and to insert "the vicinity of Fort Custer."

The amendment was agreed to.

Mr. CALL. I ask the Senator from Massachusetts if he is through with the committee amendments?

Mr. DAWES. Yes, sir.

Mr. CALL. I have an amendment which I desire to offer to the bill. The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be read.

The ACTING SECRETARY. It is proposed to strike out, between lines 591 to 595, inclusive, as follows:

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

And in lieu thereof to insert:

That the amount of money named in the treaty between the United States and the Seminole and Creek Indians of Florida to be paid to the part of the Seminole tribe remaining in Florida, is hereby appropriated for the support of that part of the tribe now residing in Florida, and for the support of common schools and the encouragement of the said Indians in agriculture; and the sum shall be paid out per capita to them, giving that portion of the Seminoles now remaining in Florida their proportion per capita of said amount, and such of the Seminoles as have removed from Florida since the treaty their proportion of said sum of money.

Mr. CALL. Mr. President, I hope there will be no objection on the part of the Senator from Massachusetts, in charge of the bill, or of any other Senator, to this amendment. The statement in the appropriation bill that these Florida Indians have gone West is not true. It has been reiterated here year after year, and yet it has been notoriously untrue. There never was the least foundation for that statement.

The Indians referred to in the treaty, and for whose benefit the appropriation of \$250,000 was made, are still in Florida. They are a peaceable people. The stipulations of the treaty, so far as they are concerned, have been obeyed; they have surrendered their land and they are there without homes.

This money that was appropriated for the purpose of being applied per capita, as the treaty states, for the benefit of these Indians has year after year been applied to those in the West. Year after year Congress has been reiterating a falsehood without the least foundation in fact, appropriating the money upon the allegation that these Indians had gone West.

I asked the attention of Congress at the last session to it, and after considerable discussion the amendment was agreed to and the sum of \$5,000, with the consent of the Senator from Massachusetts, then, as now, in charge of the bill, was paid out of that appropriation for the benefit of the Indians in Florida. There is no reason whatever, and there can be no argument, to justify the appropriation of this money (which the treaty provided should be paid per capita) to the benefit of the Indians in the West, when it was designed for those who are in Florida.

I hope there will be no objection to the amendment, sir.

Mr. DAWES. I should like to hear the amendment read.

The Acting Secretary again read the amendment.

Mr. DAWES. I inquire of the Senator if that is the same phraseology that was used in the act of last year?

Mr. CALL. I think it is, with the exception that there is a verbal error in the amendment as now printed. It should read "that the interest on the amount of money named in the treaty," &c.

Mr. DAWES. Did it take the place or was it in addition last year to the paragraph which the Senator now proposes to strike out?

Mr. CALL. I can not say exactly whether it was a substitute for it or not.

Mr. DAWES. What the Senator proposed last year I thought was just and right. I am not quite certain that he proposes the same amendment this year.

Mr. CALL. I will state to the Senate that I got this amendment from the RECORD. Whether in the subsequent progress of the discussion the exact words were retained, I do not know. This is the amendment I offered at that time. I think it is the same as the provision which became the law.

Mr. DAWES. My particular inquiry is whether this paragraph was stricken out and that substituted for it?

Mr. CALL. Let me see. I will look a little more carefully. I find the following in the RECORD as the amendment which was agreed to by the Senate:

For the Seminole Indians in Florida \$5,000 be, and the same is, appropriated for the establishment of schools, for the purchase of land, agricultural implements, and seeds, to be expended under the direction of the Secretary of the Interior.

Mr. DAWES. Did it leave in this paragraph?

Mr. CALL. I will accept the Senator's suggestion.

Mr. DAWES. If the Senator will put it in the words of the amendment agreed to last year I shall not object to it.

Mr. CALL. Very well.

The PRESIDING OFFICER. Does the Senator from Massachusetts desire the amendment reported as it is proposed to modify it?

Mr. DAWES. No; if the Senator will say he has put it as he did last year.

Mr. CALL. I have.

The PRESIDING OFFICER. The Chair hears no objection, and the amendment as proposed will be agreed to.

Mr. LOGAN. I ask for the reading of my amendment, and for action upon it if there is no objection to it. If there is I shall withdraw it.

THE PRESIDING OFFICER. The amendment proposed by the Senator from Illinois will be read.

THE ACTING SECRETARY. It is proposed to add the following as an additional section to the bill:

SEC. 9. That any disbursing or other officer of the United States or other person, who shall knowingly present or cause to be presented any voucher, account, or claim to any officer of the United States for approval or payment, or for the purpose of securing a credit in any account with the United States relating to any matter pertaining to the Indian service, which shall contain any material misrepresentation of fact in regard to the amount due or paid, the name or character of the article furnished or received, or of the service rendered, or to the date of purchase, delivery, or performance of service, or in any other particular, shall not be entitled to payment or credit for any part of said voucher, account, or claim, and if any such credit shall be given or received, or payment made, the United States may recharge the same to the officer or person receiving the credit or payment, and recover the amount from either or from both, in the same manner as other debts due the United States are collected: *Provided*, That where an account contains more than one voucher the foregoing shall apply only to such vouchers as contain the misrepresentation: *And provided further*, That the officers and persons by and between whom the business is transacted shall be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim: *And provided further*, That the foregoing shall be in addition to the penalties now prescribed by law and in no way to affect proceeding under existing law for like offenses. That where practicable this section shall be printed on the blank forms of vouchers provided for general use.

MR. DAWES. I have no objection to the amendment.

THE PRESIDING OFFICER. The Chair hears no objection to the amendment, and it will be considered as agreed to. It is agreed to.

MR. DAWES. The Senator from Florida [Mr. CALL] has modified his amendment, I understand.

THE PRINCIPAL LEGISLATIVE CLERK. In line 592, after the word "annuity," it is proposed to strike out the words in parenthesis "they having joined their brethren West."

MR. DAWES. He proposes to add, "and of this sum \$5,000 shall be paid," &c. The Senator has the phraseology there.

THE PRESIDING OFFICER. That amendment has already prospectively been agreed to.

MR. DAWES. But the Senator has a better form, which he is satisfied with himself, and I would rather have it adopted. I have no doubt the Senate will take it by unanimous consent in place of the one which was adopted. Has the Senator completed his amendment?

MR. CALL. Yes, sir.

THE PRESIDING OFFICER. The amendment will be reported as modified.

THE PRINCIPAL LEGISLATIVE CLERK. And at the end of line 595 it is proposed to insert:

And of this sum \$5,000 is appropriated for the Seminole Indians in Florida for the establishment of schools, for the purchase of land, agricultural implements, and seeds, to be expended under the direction of the Secretary of the Interior.

THE PRESIDING OFFICER. The amendment will be agreed to as modified, if there be no objection. The Chair hears none.

The bill was reported to the Senate as amended.

THE PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. Shall the question be taken on concurring in the amendments in gross or separately?

MR. DAWES AND MR. GARLAND. In gross.

THE PRESIDING OFFICER. The Chair hearing no objection, the question will be taken upon the amendments in gross.

The amendments were concurred in.

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

The bill was read the third time, and passed.

ORDER OF BUSINESS.

MR. SHERMAN. I move to take up House bill No. 5656.

MR. PENDLETON. I ask that the unfinished business be laid before the Senate.

MR. SHERMAN. I move to postpone the unfinished business.

MR. PENDLETON. I hope the Senator will ask unanimous consent that the unfinished business be temporarily laid aside without losing its place.

MR. SHERMAN. I will agree to that course, if there is no objection.

THE PRESIDING OFFICER. At the suggestion of the Senator from Ohio [Mr. PENDLETON] the unfinished business was laid before the Senate at 2 o'clock, and then was temporarily postponed to consider the Indian appropriation bill, and the Chair will be disposed to rule that it has the right of way.

MR. SHERMAN. I ask my colleague to allow it to stand aside, with a view to considering the bill I have indicated.

MR. PENDLETON. If that be the unanimous consent of the Senate except as to myself, I shall not interpose an objection that the unfinished business may go over without losing its place.

MR. SHERMAN. I have no desire to interfere with that.

THE PRESIDING OFFICER. The Chair hearing no objection, that will be the understanding.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. Res. 303) respecting the administration of justice in Tunis; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2080) granting a pension to George Foster.

EXECUTIVE COMMUNICATIONS.

THE PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War upon the subject of abandoned military reservations, and renewing his former recommendation for such legislation as will provide for the disposal of military sites that are no longer needed for military purposes.

CHESTER A. ARTHUR.

THE PRESIDING OFFICER. The *President pro tempore* laid before the Senate a communication from the Secretary of the Navy in reply to the resolution of December 16, 1882, requesting information relative to reports of officers of the Navy concerning the Revenue-Marine Service, the Life-Saving Service of the Treasury, and the Marine-Hospital Service; which was referred to the Committee on the Judiciary, and ordered to be printed.

HOLIDAY RECESS.

THE PRESIDING OFFICER (Mr. VOORHEES in the chair). The Chair lays before the Senate a concurrent resolution from the House of Representatives, which in the absence of any other suggestion will be referred to the Committee on Appropriations.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, the 22d instant, they stand adjourned until Tuesday, the 2d day of January, 1883, at 12 m.

MR. SHERMAN. Let that lie over until to-morrow.

THE PRESIDING OFFICER. The Chair observed that in the absence of any other suggestion it would be referred to the Committee on Appropriations.

MR. ALLISON. I think under the circumstances the resolution had better go to the Committee on Finance.

MR. SHERMAN. I do not care which; let it be referred to either committee.

MR. DAVIS. of West Virginia. I hardly agree with my friend from Iowa. Similar resolutions have always gone to the Committee on Appropriations.

MR. ALLISON. I know that is the general custom, but I think as far as appropriations are concerned we can get on. The important question is now for the Finance Committee.

THE PRESIDING OFFICER. Does the Senator from Iowa make a motion to that effect?

MR. ALLISON. If my colleague on the Committee on Appropriations desires the resolution to go to that committee I shall not interpose.

MR. DAVIS. of West Virginia. The chairman of the Committee on Appropriations can consult with the Finance Committee. I think he had better take charge of it himself, as it is the usual reference.

THE PRESIDING OFFICER. The resolution will be referred to the Committee on Appropriations.

REBATE OF TOBACCO TAX

MR. MCPHERSON submitted the following resolution; which was referred to the Committee on Finance:

Whereas the agitation of the question of reducing or abolishing the internal-revenue tax on tobacco and cigars has greatly injured and continues to injure the trade in store articles; and

Whereas a declaration by the Senate indicating as nearly as may be what the policy of Congress will be in the matter of allowing a rebate of taxes on stock on hand in case the internal-revenue law shall by this Congress be so amended as to reduce or abolish the tax on tobacco, snuff, and cigars, will prevent the damage to the trade mentioned: Therefore,

Resolved, That it is the sense of the Senate that in case the internal-revenue law be so amended as to reduce or abolish the tax on tobacco, cigars, and snuff, or either, provision should be made for allowing a rebate of tax paid on stock on hand at the time such law goes into effect: *Provided*, Such stock is stamped and in unbroken packages.

BONDED PERIOD FOR DISTILLED SPIRITS.

MR. SHERMAN. I now ask that the bill to which I referred be taken up.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5656) to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses, and the withdrawal of the same therefrom.

The bill was reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert:

That the time within which distilled spirits heretofore entered for deposit in distillery warehouses are required to be withdrawn therefrom pursuant to the condition of any warehousing bond, taken upon the entry of such spirits into such warehouse, shall be extended for a period of two years beyond the time limited in such bond; but such extension shall not be made in any case unless there shall be indorsed upon or appended to the warehousing bond, at or before the maturity thereof, a written request for such extension, and an acknowledgment of their liability, under the terms of said bond, for the period for which the extension is granted, as if the same were inserted in the body of said bond by the principal and sureties on said bond, to be duly executed and acknowledged by each of them before a collector or deputy collector of internal revenue, or some other officer authorized by law to take the acknowledgment of deeds: *Provided*, That the sureties on said bond are at the time of such request satisfactory to the collector, and, if not satisfactory, or if the sureties shall fail or refuse

to make the request and acknowledgment aforesaid, that a new warehousing bond, with sureties satisfactory to the collector, shall be given: *And provided further*. That no additional allowance for leakage shall be made beyond the limit now allowed by law.

Mr. SHERMAN. Mr. President, I do not know that it is necessary to explain this bill further than appears on its face; but perhaps it is due to the subject-matter that I should state the reasons why it is before us.

At the last session of Congress the House of Representatives passed a bill which changed very materially the mode of dealing with spirits in distillery warehouses, which contained many new provisions and provisions which were very distasteful to the Senate. It was referred to the Committee on Finance, and various amendments were reported, and finally it was indefinitely postponed. The other day the Senator from Vermont [Mr. MORRILL] moved to recommit the bill, with a view to giving absolute relief, relief demanded, I think, in all parts of the country, to relieve the trade from the burden of the situation; and this amended bill was agreed upon by the committee, I may say unanimously, although probably in some terms it was not agreed to unanimously, with a view to give such relief as was practicable under the circumstances without any change in the existing law, except that it extends for two years the period for withdrawing whisky in bond from the distillery warehouse, and gives to that extent a credit of two years' further time to pay the tax on whisky now in distillery warehouse. It does not change the present law in respect to warehousing spirits; and all the other provisions of the bill except those contained in the substitute which has been read have been stricken out.

The necessity for the measure is shown by the fact that unless this bill passes, probably unless it passes before the holidays, all the persons who hold whisky in bond will be compelled to pay the taxes to the amount of at least a million dollars a month in anticipation of future demands, and in my judgment, and according to the opinion of all those who made representations upon the subject, it will absolutely bankrupt a great number of persons who hold spirits in bond.

The demand for this relief comes from all parts of the country and from various classes of business men. I do not know that it is necessary for me to state further than that, except that the effect of the law as it now stands would compel the withdrawal of whisky not needed for consumption at the rate of more than a million gallons a month for the next six months, and I say this would be a very severe and grievous burden upon that branch of trade.

No loss will be incurred by the United States by this postponement. The holders of this whisky are compelled to renew their bonds, and it will be necessary to give additional security. The only question the Committee on Finance had on the subject was whether we should not exact interest for this postponement; but a majority of the committee thought that on the whole it would be better to extend the relief without exacting interest for the postponement. That is a question which may possibly be presented to the Senate. I do not know that it will; but if it is presented that will be the only question of controversy in regard to the matter that I know of.

Mr. MORRILL. I desire to ask the Senator from Ohio whether, if it shall be found at any time after the bond has been accepted that it is insufficient, there is any power to demand an additional bond?

Mr. SHERMAN. Yes, sir.

Mr. MORRILL. I do not think there is.

Mr. SHERMAN. The Senator's colleague [Mr. EDMUND] looked at the law, and he said to me he had no doubt at all that the present provisions of law are sufficient; and I have no doubt of it. The present law authorizes the Commissioner of Internal Revenue to require new bonds, or to make a change of bonds in regard to any property in warehouses under the internal-revenue laws. It is as broad as could be framed; and the Senator from Vermont who looked at it said he had no doubt that the present provisions of law applied to these bonds as well as to others. The bonds will have to be renewed, and the substitute provides for a renewal of the bonds to the satisfaction of the Commissioner of Internal Revenue and the collector of the district.

Mr. CONGER. I desire to ask the Senator whether it is the intention of the committee, from time to time as the time approaches for taking whisky out of bond, to recommend the continuance of the bonded period for two years or three years or four years?

Mr. SHERMAN. No; I understand that this is all the relief that will be granted.

Mr. CONGER. It was so said before.

Mr. SHERMAN. On the contrary, the necessity for this relief has grown out of the passage of a law, which I think ought not to have been passed, with due deference to Congress at the time, extending for three years the payment of the tax on whisky in distillery warehouses. That fact induced the enormous overproduction of whisky, so that now there are on hand in distillery warehouses 80,000,000 gallons of a class of whisky that probably will not be consumed in five or six years. But this relief was deemed to be necessary, and it is all the relief that I suppose the Senate will be willing to give. The House was willing to go much further.

Mr. CONGER. The Senator will remember that that law at the time imposed interest upon the amount; but just as quick as the law was passed efforts were made to change that portion of the law and

relieve from the payment of any interest. As it is now there is no interest paid to the Government on this indebtedness due to the Government. All whisky destroyed by this delay, by fires, a considerable portion of it by wastage, the Government loses the tax on.

Mr. SHERMAN. Not by wastage?

Mr. CONGER. To a certain amount, of course—natural wastage.

Mr. SHERMAN. I will simply say to my friend from Michigan that so far as the leakage, as it is called, the wastage, is concerned, the bill as reported from the committee prevents any further allowance for leakage.

Mr. MORRILL. After three years.

Mr. SHERMAN. After the expiration of three years. That is the entire provision. There is nothing in the bill except an extension for two years for the withdrawal from the distillery warehouse of spirits now in bond. It does not apply to future distillation. I would like very much indeed if we could go back to the old law, but I suppose that is impracticable. This is a relief measure, imperatively demanded I think by business interests all over the country.

Mr. CONGER. I think this is the only case of taxes due the United States where Congress in successive years permits the extension of time for paying the taxes. It is admitted that the result of that has been an overproduction of spirits. This proposed law will encourage another overproduction of spirits. It may remedy a seeming evil or a threatened evil, but the result undoubtedly will be to make it an absolute necessity again, at the end of two years or before that time, to extend the time further and further. The consequence will be, whether it is intended or not, to continue the period to such time as the Government will not think it necessary longer to receive any tax for whisky, and the tax on all whisky, singled out at the expense of the Government, will be remitted in every respect.

There is no other industry in the United States, no other portion of our taxes or tax-paying people who are thus benefited. It is all done for whisky, to encourage overproduction, as it has done and will do continually, and as the Senator himself says was done under the operation of the last extension, the three years' extension. Some of this whisky has been kept in bond five years, six years.

Mr. SHERMAN. No.

Mr. CONGER. It may have been. It has had time to have all that delicate seasoning which makes it so palatable, so desirable, when thrown into the market. It was the argument for it, as I understood, with those who had a taste upon that subject that the seasoning of time gave a delicate flavor which made the Bourbon so desirable.

Mr. SHERMAN. The Senator is mistaken in one thing. I appreciate his argument, but he is mistaken in regard to the fact that this whisky has been in bond under the present law more than three years. The old law required it to be taken out at the end of one year, and the subsequent law which was passed, and which I do not think was a wise law, extended the period to three years.

Mr. CONGER. Beyond three.

Mr. SHERMAN. No, not beyond that time; only for three years from the date of entry into the distillery warehouse. But that is not a question now before us.

This measure, as I said, does not apply to any whisky hereafter distilled. The pressure can not be made again upon the same ground, because the law stands as it has stood now for the last three or four years, allowing all persons to put their whisky in distillery warehouses for three years. That law is not changed; but as by the influence of that law there was an enormous overproduction of whisky, so that the quantity in distillery warehouses has risen to the enormous amount of 80,000,000 gallons, to require that 80,000,000 gallons now to be withdrawn at the maturity of the bonds, after a term of three years, is practically the bankruptcy of a great number of persons, from which no good can come—nothing but evil. I certainly do not wish to precipitate such a state of affairs.

Although I was as much opposed to the bill passed by the House at the last session as any one could be, and oppose it here, yet I feel now, every one must feel, I believe the committee was unanimous on the subject, that the condition of the trade is such that some relief should be granted. The only question was what relief we could grant without setting a bad example or without injury to the public service and the public revenue. It was agreed that for that on hand which is now maturing, which otherwise would have to be withdrawn by the payment of the tax, we should give the trade this reasonable relief, and that is all we propose.

Mr. CONGER. The Senator agrees with what I have said that the other law was very injurious in its effect. This measure does not provide, as it is said, that whisky distilled hereafter shall have the benefit of the law; and it does not need it. Those making it have three years under the present law. But who doubts that at the end of the two years all who have spirits in bond will come, as they have always come heretofore and as they come now, and ask for a further extension? Who doubts that the effect of this measure will be to increase the manufacture of this article and make the necessity, unless there would be bankruptcy and ruin, as great two years hence as it is now?

I am willing to vote for any measure which will relieve from injury any portion of the people, but I am not willing to vote for a measure

which now as heretofore will increase the danger and make it a subject more difficult to deal with, and when no other branch of industry in the United States begins to receive such favors as a postponement of the payment of its taxes when due, as this whisky interest does. I have no doubt that it is strong enough to have the measure carried here, but I can not believe that it has been or will be best even to the manufacturers of spirits.

Mr. INGALLS. I move to amend the substitute reported by the committee by adding the following additional proviso:

Provided further, That from and after the expiration of three years from the entry of any distilled spirits into warehouse, interest at the rate of 5 per cent. per annum upon the tax now imposed by law shall be collected and paid upon all distilled spirits, to be computed to the time of the withdrawal of such distilled spirits in bond. But no fraction of a month shall be computed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the substitute reported from the Committee on Finance.

Mr. INGALLS. The Senator from Ohio has omitted in his explanation of the necessity of this bill one important element upon which I desire information, and that is what effect the bill, if passed, will have upon the revenues of the country for the next two years?

I understand that on the 30th day of June, 1882, there were in round numbers 90,000,000 gallons of whisky in bond. Since that time it is estimated that about 5,000,000 gallons have been withdrawn. Of the entire amount, about 60,000,000 gallons are held in Kentucky alone. So the statement of the Senator from Ohio that this bill is intended to affect producers in all portions of the country does not seem strictly to be borne out by the facts, if they are as I understand them.

Mr. SHERMAN. Will the Senator allow me to mention the fact as stated by the Commissioner of Internal Revenue?

Mr. INGALLS. Yes, sir; for I desire to get at the information exactly on this point.

Mr. SHERMAN. The Senator is correct in stating that about ninety million gallons, or a little less than that, were in bond on the 1st of July last. He is also correct in stating that about fifty or sixty million gallons of this amount are held in Kentucky, but it is owned in all the States of the Union. This whisky is sold in bond and the warehouse certificates transferred from hand to hand. The Commissioner of Internal Revenue is able to state how much of the amount of 60,000,000 gallons held in Kentucky is owned elsewhere. It is owned in almost every State of the Union, in all the commercial States at any rate. Upon the warehouse receipts loans have been made, and the ownership is very generally distributed throughout the United States.

Mr. INGALLS. It has not been disposed of in other States of the Union for consumption if it is still held in warehouse.

Mr. SHERMAN. No; it can not be held anywhere but in Kentucky, although it may be owned all over the country.

Mr. INGALLS. So that as a matter of fact two-thirds of this entire product is to-day held in Kentucky, that is, in the warehouses of Kentucky.

Mr. BAYARD. The Senator does not mean that it is owned in Kentucky?

Mr. INGALLS. How much is owned in Kentucky we do not know, because that is a matter that rests, so far as knowledge is concerned, with the original producers of the whisky, those who put it in bond, put it in warehouses, in the first place. How much they have sold we do not know.

Mr. BAYARD. They can not tell, because it may have changed hands several times.

Mr. INGALLS. That is very true.

Mr. BAYARD. I will say to my friend from Kansas that as to the applications for relief under the pressure to pay this tax, they come from other quarters than Kentucky quite as much as from there.

Mr. INGALLS. But the pressure for this extension must come from those who have a speculative interest in the whisky, because it is held still in the warehouse and not withdrawn for consumption. Therefore, no matter whether this product is owned in Kentucky largely or not, the bill is for the benefit of the producers and the speculators in whisky, and not for the benefit of those who desire it for consumption.

Mr. BAYARD. May I interrupt the Senator?

Mr. INGALLS. Certainly.

Mr. BAYARD. I think the operation of the law goes much further than the Senator supposes. As the law now stands, at the expiration of three years from the time that any of these distilled spirits were placed in bonded warehouses they must be taken out, put upon the market, and offered for sale and consumption. There has been a great over-production. It is understood that the supply probably for five years is now in bond. If that shall be forced upon the market, it necessarily must break it, and it must break the fortunes of those who are concerned in this trade. So far you will affect the present holders, those whom the Senator has termed the speculative owners, but behind them and affected with them are those who are compelled to continue the manufacture of this article.

Let me suggest to the Senator that, as I considered last year and as I consider now, more important to the distiller than any profit he possibly could make upon the production of whisky are his contracts for the feeding of stock from the results of the distilleries. I said here

a year ago that the food question and the dealing in articles of food, in live stock, in beef, in pork, are quite as much involved in a proper dealing with this subject as the business of distillation.

Congress should not permit any branch of commercial business in this country, any important business in this country, to suffer; and I hold that the importance of the distilling business is proven by the enormous figures to which the production has risen, and which has just now been stated by the Senator from Kansas when he says that 90,000,000 gallons of distilled spirits are in bond, upon which the Government has an interest of five-sixths of the value of the whole; that is to say, it has a value of 90 cents per gallon as against 50 cents in the cost of production. It will be killing the goose that lays the golden egg if for want of liberal and judicious legislation you shall break down these men whose product brings to the revenue this enormous sum of money.

I do not think that the effect of this measure is at all to be limited by the inconvenience or the loss that the failure to pass it may bring to those who are speculators in the present stock of manufactured spirits, but that it reaches far beyond that and touches the farmer, the butcher, the provision-dealer, and the distiller who is not the owner of the distilled spirits now in bond. I believe, so far as the fact goes, it would be safe to say—although I can not give the precise data for the assertion—that a very small portion of the distilled spirits in bond is the property of those who distilled them, but they have been sold to others whom the Senator designates as speculative owners. I am sorry to have interrupted the Senator so long.

Mr. INGALLS. My argument did not go, and was not intended to go, to the extent of saying that this bill ought not to pass, but I desire to call the attention of the Senate to the one proposition, that here is a product in the warehouses of the Government in which the Government has an interest somewhere between seventy and eighty million dollars by way of taxation that will be falling due within the next year and a half or two years at the outside. I wish the Senator from Ohio to state what will be the probable effect upon the revenues of the country for the current and next ensuing year in case this bill should become a law.

Mr. SHERMAN. Would the Senator like to have me answer him?

Mr. INGALLS. Yes, sir, I should like an answer now.

Mr. SHERMAN. My answer is that if this whisky is forced upon the market under the terms of the law, as it would be without the passage of this bill, the whisky would be withdrawn and the taxes would be paid, but that would take the place of other whisky, perhaps a different kind of whisky, which would naturally be withdrawn and be forced upon the market, and other whisky, as the high wines which are now being produced, and the whiskies of Ohio and Illinois, would probably be compelled to be held by the owners of those whiskies until this stock forced upon the market should be exhausted. So, I do not think the revenues would be materially affected. Only a certain number of gallons can be consumed from year to year, according to the evidence. If this is forced into market, other whiskies will not be taken out of warehouse.

Mr. INGALLS. If it is forced into market the Government will realize this tax on it, and, therefore, so much will go into the Treasury.

Mr. SHERMAN. But the Government will not derive its tax in the ordinary way from other whisky which would be held in warehouse, and which otherwise would be brought out. Let me explain a little further. There are two classes of whisky. One is the Bourbon, or the rye whisky, which is the most expensive and the most valuable.

Mr. INGALLS. I am not familiar with either class myself.

Mr. SHERMAN. I suppose not. The other is the high wines, a whisky that is generally withdrawn from Government warehouses within a year, and which would be withdrawn under any law. The result of a failure to give relief in this case would be to compel the forced sale of the higher grades of Bourbon and other whisky in market and compel the retention in the Government warehouses of what are called the high wines or other classes of whisky.

Mr. INGALLS. That would be a benefit to the community, because they would get a better class of whisky for less money and not be compelled to drink the raw whisky fresh from the still.

Mr. SHERMAN. After all, the only question is whether it is beneficial to the Government of the United States and the people of the United States to sacrifice a class of men engaged in what is a lawful business, and from which we derive an enormous sum of money. It was that consideration which induced the committee to give this relief.

As to the question of interest that is a very proper one to be debated. It is very doubtful whether, receiving the benefit of this delay, the owners of the spirits should not pay interest; but a majority of the committee thought, on the whole, that as the relief was to be granted and the Government lost nothing by it, we would not charge any interest; but that is a question for the Senate to determine.

Mr. INGALLS. The statement made by the Senator from Ohio emphasizes the importance of the amendment that I have offered. By his own admission this bill is one that is demanded not by the interests of the Government, not by the interests of the consumer, but in order to protect a certain class of producers from the consequences of their own mistaken judgment or policy. They have, as he says, overproduced whisky to such an extent that they have now about 90,000,000 gallons in bond above the demand for consumption. Therefore they are ask-

ing a special privilege not extended to other tax-payers, and resulting from their own want of judgment; and I say there is no good reason why they should not be compelled to pay a reasonable compensation to the Government for the time it gives them to pay this tax.

Mr. PLATT. Mr. President—

Mr. INGALLS. I will yield in a moment. There is one other consideration which I think is very material as a question of justice. I understand that there are producers of whisky who have paid the tax on their production, and it certainly would place them at a great disadvantage if those who have not paid their tax were allowed to retain their product in the warehouse without the payment of any interest or other compensation to the Government for the privilege. Now I will hear the Senator from Connecticut.

Mr. PLATT. I do not understand that this is professed to be a measure for the relief of the producer, because at least nine-tenths, or certainly a very large proportion of the whisky now in bond has passed out of the hands of the producers and into the hands of speculators.

Mr. SHERMAN. And owners.

Mr. INGALLS. If not for the benefit of the producers it is for the advantage of speculative purchasers, and not for the benefit of the Government or those who desire the product for the purpose of consumption.

Mr. BECK. Mr. President, I desire the Senator from Kansas to understand one fact that perhaps he would not be expected to be as familiar with as some of us who have been on the Finance Committee, and have had to look at such questions a little more closely. It is true, as he said, that there are nearly 60,000,000 gallons of whisky now in bond in the State of Kentucky. Why? Because it was produced there and under the law can not be removed from the distillery warehouse until the tax is paid. But it is equally true, as is shown by the reports of the Commissioner in tables which I have not before me, but have examined, that there is not, perhaps, 10 per cent., certainly not 12 per cent., of all that whisky which is held in bond in Kentucky owned by Kentucky distillers. There is more of it owned in the city of Cincinnati alone than there is in all Kentucky. There is more owned in the city of New York and in Boston. The Commissioner has the information as to all sales as soon as they are made, and he has made out carefully prepared tables which I have seen and examined (I wish I had them now), telling exactly where it is all held, for it is all known to him.

Therefore, this is not a bill in any regard specially in the interest of Kentucky distillers. On the contrary, under the existing three years' law, whatever the Kentucky distiller produces hereafter will be in competition with this whisky for which an extension is given for two years; so that to that extent it is an injury to him.

But it is a fact as well that there is this large overproduction, and if the holders of the spirits fail, as many of them will if they have to pay the tax soon, many very important men, as we have been advised, of course they will not be able to buy any more, and the distiller had better cease making whisky than to take any part in breaking a man who has bought from him and failed. The whole object is to give relief to the men who are now holding this whisky in bond to the extent of allowing them two years more.

The Senator from Ohio very well said that the Government revenue is not affected at all. It may get a little more revenue from this particular class of whisky if it is taken out of bond now, but it will get just that much less from some other class; for the amount on which tax is paid is regulated by consumption, as is shown by the amount now held, and just as fast as consumption goes on, the tax is paid in some form or other.

Mr. BAYARD. The tax will not be affected.

Mr. BECK. The tax will not be affected at all by this measure; but a great many very important business men all over the country, from Boston to San Francisco, will perhaps be saved from bankruptcy. I do not think the Government desires, especially when it will not be injured, to bankrupt any of its citizens by forcing into market their goods before they can sell them. That is all there is of it; no more and no less.

Why should the Government want to charge interest for granting relief of this sort, when these men will take this whisky out just as soon as they can? It is to their interest to sell it just the moment consumption demands it. At the earliest possible day it will be taken out. It will not be held an hour longer than they can sell it. As the whole theory of taxation is to tax consumption and not to place a tax upon production, when this relief was sought the committee, I believe, unanimously thought it was the proper thing to grant it without requiring interest to be paid upon the tax withheld.

Mr. MORRILL. I call the attention of the Senator from Kansas to an amendment that I suggest to him in the proposition he has made. I was about to offer an amendment accomplishing the same object. He has taken the old amendment, and in the second line it ought to read "spirits now in warehouse," instead of "spirits into warehouse." I suggest, therefore, to alter the amendment in that way.

Mr. INGALLS. I thought the Senator intended to offer an amendment about the bond or I should not have offered the amendment I have proposed. I am aware of his great familiarity with the subject, and I very cordially accept his suggestion and ask that my amendment may be modified as indicated by him.

The PRESIDING OFFICER. The amendment will be so modified. Mr. MORRILL. While it is true, very likely, that the distillers of Kentucky do not own a very large amount of this whisky, yet the bankers of Kentucky and of Ohio are interested. I have received, I suppose, more than fifty telegrams from the banks of Kentucky, and of Cincinnati and other places in Ohio, urging the passage of this bill. There is undoubtedly a great apprehension on the part of these bankers that their security will be injured unless the bill shall pass.

I do not desire to speak against the passage of the bill, although I think the bill is destined at the expiration of two years to present a similar difficulty and probably require the same remedy.

The owners of these spirits have had the benefit of retaining their goods in warehouses for three years without interest. They ask for two years more. Everybody knows that every gallon of these spirits when it comes out after five years' retention in the warehouse will bring from \$2 to \$4 a gallon; it doubles right up; and if the owners of the spirits are to have the benefit of the increased value of the spirits, they ought to be willing to pay 5 per cent. interest for the last two years, at all events, not having paid any interest on the tax for the first three years.

Mr. BECK. The overstocked condition of the market has made those goods worth less than they were eighteen months ago. What would be the case in a natural market is not the case in an overstocked market. They are having a less value and they are shrinking all the time, and the holders are getting no allowance for the shrinkage.

Mr. BAYARD. Is it not obvious that by adding interest to this tax you will simply increase the cost of the article to the consumer? The purchaser may pay it at first in order to get the whisky out of bond, but whoever buys it, no matter for what purpose, artistic, mechanical, or bibulous, will have to pay the increased cost of the tax.

I reported a bill to the Senate about a year ago and this amendment was contained in it. The object then was to make the provision permanent, to give five years instead of three for all time. The present act is a mere act of temporary relief.

The Senate understand, I trust, that the overproduction of distillation in this country was caused almost entirely by the drought of the fall of 1880 and 1881. Forage, fodder, grass, herbage of every description was so lessened that in order to keep up the supply of beef cattle other means of feeding had to be resorted to than the ordinary pasture. Men embarked in distillation, with large contracts to feed stock. Those contracts were not capable of being made from week to week or month to month; they had to embrace an entire and a prolonged season in order to get stock into condition for market. Therefore, after a man commenced distilling and found he was distilling at a loss, or found that he was making a superfluous amount of whisky, he nevertheless was compelled by his contract with the owner of the stock and the provision-dealer to keep up the distillation, although it brought him loss, so as to keep himself whole in his contract for feeding the stock.

There is the history of this thing. I went through it with some pains and care a year ago, and I am perfectly satisfied of the facts whereof I now speak. That is all there is of it.

Before the people of this country there seems to be a general concession that taxes should be lowered, and that they should not be increased. The proposition of the Senator from Ohio, as authorized by the Committee on Finance, leaves the tax precisely where it was. Not one gallon of this commodity can enter into consumption but pays the full tax prescribed by law. Why, then, should you add to that either 5 or 10 per cent., as the case may be, by the amendment offered by the Senator from Kansas? I shall vote against it, because I think that the remedy now suggested is a very moderate, reasonable, and proper remedy.

I want to say to the Senate that the overproduction and the condition of the laws of Congress compelled the exportation of a very large body of alcohol to the European markets in excess of the foreign demand. The consequence was that a sum of money—six or seven hundred thousand dollars—the precise amount of which is so well known to the honorable Senator from Minnesota [Mr. WINDOM], was subscribed and paid in money by the distillers to those who engaged in the alcoholic exportation trade for the purpose of preventing this very surplus in the American market and allowing the loss upon the production to take place in Europe rather than have it break down the market in this country.

One other result came from that course. The Government lost its tax upon every gallon so exported, and the condition of production and the condition of law that combined to force abroad this large and unusual and superabundant amount to the foreign market cost the people of the United States very nearly \$1 for every gallon that went, and I think our exportation in that year amounted to about 16,000,000 gallons.

I think this whole business should be treated only and solely with a view to its economic features, and not to introduce into it any political or moral consideration. It is a question to be dealt with, and I propose to deal with this branch of manufactures in this country with the same sense of justice, the same sense of personal respect to those engaged and to their business, that I would to any other. I here aver that the measure brought in by the Senator from Ohio is a moderate, just, and proper exercise of Congressional power.

Mr. WINDOM. Mr. President, I have no disposition whatever to obstruct the passage of any fair and proper bill upon this subject. I

would treat it precisely as the Senator from Delaware says he would, as an economic question.

But I rose mainly for the purpose of asking the Committee on Finance why it is, with the admission on their part distinctly made that the present evils, the existing troubles, on this subject were caused by the act which authorized a three-years' bond, that they do not now seek to correct the cause, which will continue to produce the same difficulties in the future? In other words, while granting the relief of two years' extension for whisky now in bond, why is not some effort made to remove the cause of existing troubles by reducing the time for whisky to be made hereafter to remain in warehouse? Under the law which permitted whisky to remain in bond one year there were no serious difficulties, but I believe nearly all agree that when that time was extended to three years the manufacturers and traders began to pile up this product in the warehouses until it has reached its present dangerous condition.

I shall not object to the provisions of the bill now pending, provided an amendment can be added which will limit the time for warehousing whiskies produced hereafter to one year, thus bringing back the old law, under which the business went on safely and prosperously, and thereby remove the dangers which threaten us in future.

I say to the Senate distinctly—and I believe that the committee themselves agree to it—that if the three-years' law remains, when the two years' extension now proposed to be granted shall have expired you will find yourselves in precisely the condition that you are in to-day, and there will be a demand for further extension.

In urging this provision I do simply what I believe a large majority of those who are engaged in the manufacture and sale of whiskies in this country want done. I will read a petition signed by all the leading wholesale liquor dealers in my State urging precisely this provision:

To the honorable members of the Senate and the House of Representatives in Congress assembled:

Whereas it is a well-known fact that our business is suffering and is in great danger of extreme prostration and financial failures from excessive overproduction of whisky, the bowed warehouses in the States of Kentucky, Pennsylvania, Maryland, and West Virginia containing at this time over 77,000,000 gallons; and the State of Kentucky alone over 62,000,000 gallons; and

Whereas this enormous stock of whisky being chiefly owned by the wholesale dealers throughout this country, and there being no hope or prospect that the whisky now in bond can be sold for consumption or disposed of, except at a sacrifice, in less time than six years from the time of original warehousing; and

Whereas the Government of the United States will not recognize the holder of a warehouse certificate as the actual owner of the bonded whisky, but will deliver it up to the distiller at any time on the payment of the tax, notwithstanding any outstanding warehouse receipts; and

Whereas we fully recognize that this overproduction of whiskies was caused by the law extending the time during which spirits were allowed to remain in bond before payment of tax; and, furthermore, that if the tax will be required to be paid on all the bonded whisky now on hand at the expiration of the bonded period as now fixed by law, no one can foresee the serious consequences sure to follow; and believing that it is the duty and pleasure of Congress to grant every reasonable and legitimate relief and prevent financial distress or panic in every branch of business without injury to the Government: Therefore,

Be it resolved, That we, the undersigned wholesale dealers and manufacturers, earnestly petition Congress that all whiskies now in bond or remaining at the time of the passage of the act shall be allowed to remain in bond for a period of five years from the date of first entry; and in order to prevent overproduction, speculation, and like embarrassments to the trade in the future we also earnestly request and petition Congress that all spirits distilled or manufactured hereafter shall be deposited in distillery bonded warehouses, conditional that the tax shall be paid thereon at or before the end of one year after the goods are placed in bond.

J. C. OSWALD & CO.
Wholesale liquors, Minneapolis, Minnesota.
A. H. KNOWLES,
Wholesale liquors, Minneapolis, Minnesota.
J. F. BROWN,
Wholesale liquors, Minneapolis, Minnesota.
B. KUHL & CO.,
Wholesale liquors, Saint Paul, Minnesota.
GEORGE C. JACOBY,
Wholesale liquors, Minneapolis, Minnesota.
PERKINS, LYONS & CO.,
Wholesale liquors, Saint Paul, Minnesota.
GEORGE BENZ & CO.,
Wholesale liquors, Saint Paul, Minnesota.
PEABODY BROS. & CO.,
Wholesale liquors, Saint Paul, Minnesota.
WM. SCHMIDT & CO.,
Wholesale liquors, Saint Paul, Minnesota.
WM. THEOBALD,
Wholesale liquors, Saint Paul, Minnesota.
D. ABERLE & CO.,
Wholesale liquors, Saint Paul, Minnesota.
BOWLIN & MCGEEHEN,
Wholesale liquors, Saint Paul, Minnesota.
JOSEPH ELLES,
Wholesale liquors, Saint Paul, Minnesota.
FRED. DELL & CO.,
Wholesale liquors, Saint Paul, Minnesota.
WM. DIEDRICH,
Wholesale liquors, Saint Paul, Minnesota.
N. E. SOLOMON,
Wholesale liquors, Saint Paul, Minnesota.
M. J. MORAWETZ,
Wholesale liquors, Minneapolis, Minnesota.
JOHN P. RANK,
Wholesale liquors, Minneapolis, Minnesota.

The gentlemen who signed this petition represent very much the largest proportion of the whisky interests of this country. In transmitting the petition to me a gentleman, who is perhaps more largely interested than any one else northwest of Chicago, says:

It contains the signature of every wholesale liquor-dealer in Saint Paul and Minneapolis, and we utter the sentiment of every whisky man in the United States

except the distillers. We do not ask for a reduction of the tax, but ask to have the bonded period extended on whisky now in bond to five years from the date of original entry; and in order to prevent an overproduction and speculation, and to bring the business once more on a sound footing, we very urgently request that the bonded period for whisky to be made shall be only one year.

I cannot understand why it is that the Finance Committee bring in but one proposition, and leave all the evils to be anticipated in the future which have grown out of the existing law. If we propose to grant relief from the present distress and difficulty, why not consider the cause and correct it, especially when it is asked for by a very large portion of the men who are interested in this product?

I know that there is a certain class of manufacturers in one or two States who would not favor the proposition of the petitioners whose petition I have read, but they manufacture much the smallest portion of the product; they pay much the smallest portion of the tax; and while you are giving them relief I ask that you pay some heed to the wishes of those other gentlemen representing the larger interest, who say that if this law is to continue it will produce, as it has in the past, over-production, speculation, and loss to them. While we are doing a favor to one side let us do justice to the other side of this question also. I propose at the proper time to offer this amendment as an additional section:

That the time within which distilled spirits produced or manufactured after the passage of this act are required to be withdrawn from distillery warehouses shall be limited to one year from the time such spirits shall be entered for deposit in distillery warehouses.

As to the question of 5 per cent. interest I care very little about it one way or the other, but I do care a great deal, and those gentlemen who represent this large interest also care a great deal, about a law which shall relieve us from the same difficulties and dangers in the future from which we are now suffering.

Mr. SAULSBURY. I desire to call the attention of the Senator from Ohio, who I believe has charge of the bill, to the provision on page 19. Under the provisions of this proposed act any one continuing in the business of the distillation of liquors is required to file a statement of the amount which he has then in warehouse or which he expects to have placed in the warehouse; but the bill provides, on page 19, as follows:

Provided, That any distiller having spirits in warehouse at the time of the passage of this act for which warehouse bonds have been given, may, as to such spirits, at his option, omit to file the statement and give the bond required by this act, but in such case the warehousing bonds already given for such spirits shall remain in full force, and the principal and sureties on said bond shall be held to full compliance with the conditions of the same.

The question which I desire to ask is whether you can extend the time to the distillers who are placed under warehousing bonds, their spirits being in warehouse, and still hold the sureties on those bonds liable for the payment of the tax?

Mr. SHERMAN. I desire to inform the Senator from Delaware that he has fallen into a misapprehension in regard to this matter, and very naturally so, from the appearance of the printed bill. The amendments from which he reads are part of the old bill, or the amendments pending to the bill at the last session. The only proposition now before the Senate is on the last page or two. The clause which he read is not in the proposition that is now before the Senate.

Mr. SAULSBURY. I read it here in this bill.

Mr. SHERMAN. I know; it is printed in Italics, but that is an amendment which was pending at the last session. The only part of the bill now pending before the Senate is a single section on pages 29 and 30. I agree with the Senator, and as to that particular point it is cured by the section which is now pending; that is, there must be a new bond filed by any one availing himself of the provisions of this section.

Mr. SAULSBURY. I did not know but what that provision was still under consideration.

Mr. SHERMAN. No; if the Senator will look at pages 29 and 30 he will see all that is in the bill now before us.

Mr. SAULSBURY. I should think you could extend the liabilities of the sureties, but if you should give the party himself an extension of time the bond would have to be renewed.

Mr. SHERMAN. The Senator will find on page 30 that all these bonds have to be renewed, and with the consent of each surety and all the sureties, so that there is no question about the sufficiency of the bonds.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. MORRILL. I ask for the yeas and nays on the amendment proposed by the Senator from Kansas.

The yeas and nays were ordered.

Mr. ALLISON. Before a vote is taken on this amendment I should like to know something of what is to befall the amendment of the Senator from Minnesota [Mr. WINDOM]; because it is perfectly manifest to me that if we are to fix a policy for the future with reference to whisky that shall go into bond to-morrow we ought to compel those who now hold the whisky in bond to pay interest. If the amendment of the Senator from Minnesota is to be adopted I shall vote surely for the amendment suggested by the Senator from Kansas.

Mr. SHERMAN. That subject will be discussed; and I suggest to the Senator to wait until the amendment of the Senator from Minnesota is pending.

Mr. ALLISON. One ought to depend upon the other. The whole question ought to be considered together.

Mr. BROWN. Let the pending amendment be reported.

The PRESIDING OFFICER. The amendment of the Senator from Kansas [Mr. INGALLS] will be read.

The PRINCIPAL LEGISLATIVE CLERK. It is proposed to add at the end of the substitute reported from the Committee on Finance the following additional proviso:

Provided further, That from and after the expiration of three years from the entry of any distilled spirits now in warehouse interest at the rate of 5 per cent. per annum upon the tax now imposed by law shall be collected and paid upon all distilled spirits, to be computed to the time of the withdrawal of such distilled spirits in bond. But no fraction of a month shall be computed.

Mr. INGALLS. Has that been modified as suggested by the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont can answer.

Mr. MORRILL. I think it has.

The ACTING SECRETARY. The amendment reads:

That from and after the expiration of three years from the entry of any distilled spirits now in warehouse, &c.

Mr. INGALLS. That is right.

The PRESIDING OFFICER. The roll will be called on the question of agreeing to the amendment of the Senator from Kansas.

The Principal Legislative Clerk proceeded to call the roll.

Mr. BARROW (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIRE]. If he were present, I should vote "nay."

Mr. GARLAND (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS], who is detained from the Senate. If he were here I should vote "nay."

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. VANCE (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. KELLOGG]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. MILLER, of New York. I am paired with the Senator from Maryland [Mr. GROOME].

The result was announced—yeas 39, nays 17; as follows:

YEAS—39.

Aldrich,	Ferry,	Lapham,	Plumb,
Anthony,	Frye,	Logan,	Pugh,
Brown,	George,	McDill,	Rollins,
Cameron of Pa.,	Hale,	McMillan,	Saulsbury,
Cameron of Wis.,	Harrison,	Mahone,	Saunders,
Chilcott,	Hawley,	Maxey,	Sewell,
Cockrell,	Hoar,	Mitchell,	Vest,
Coke,	Ingalls,	Morgan,	Walker,
Conger,	Jackson,	Morrill,	Windom.
Dawes,	Lamar,	Platt,	

NAYS—17.

Allison,	Davis of W. Va.,	Jonas,	Voorhees,
Bayard,	Gorman,	Pendleton,	Williams.
Beck,	Grover,	Ransom,	
Call,	Harris,	Sherman,	
Camden,	Johnston,	Slater,	

ABSENT—20.

Barrow,	Fair,	Hill,	Miller of Cal.,
Blair,	Farley,	Jones of Florida,	Miller of N. Y.,
Butler,	Garland,	Jones of Nevada,	Sawyer,
Davis of Ill.,	Groome,	Kellogg,	Vance,
Edmunds,	Hampton,	McPherson,	Van Wyck.

So the amendment to the amendment was agreed to.

Mr. WINDOM. I now move to add as an additional section the following:

SEC. 2. That the time within which distilled spirits produced or manufactured after the passage of this act are required to be withdrawn from distillery warehouses shall be limited to one year from the time such spirits shall be entered for deposit in distillery warehouses.

Mr. SHERMAN. As I said, I feel somewhat embarrassed from the fact that in principle I believe that that would be a wise provision of law; but to accompany this bill with a provision of that kind it seems to me is unfair and unjust. When the law was passed, I think in 1878, extending the period for the storing of whisky in bond, I felt convinced then that it was an unwise law, and opposed it so far as I could officially, not being then a member of the Senate, but an executive officer. But it seems to me now to change the law suddenly, a law which is believed by a large portion of this trade to be necessary for the production of the class of whiskies they produce, and to make that a condition upon a bill intended for a temporary purpose for the relief of the trade, would be unfair and unjust. I may vote for a provision of this kind in another bill when it comes before us, either in a tax bill or in any bill regulating the tax on the manufacture of spirits; but to attach it to this bill is practically a defeat of the object of the bill. I think it is unjust and unwise. It is a rider, the purpose and effect of which will be to defeat the measure. As a matter of course there is a great controversy between the manufacturers of these two grades of whisky. The one is valuable only as it grows old; the other is about as valuable thirty days after it is made as it ever will be or ever can be.

It may be true that the persons making high wines have sent peti-

tions to us for this change in the law, and it would be in their interest, because they would not store in a Government warehouse for one year, or for three years, or for six months if they could help it. Their whiskies seek an immediate market and enter into consumption. They do not improve by age. They are called high wines, of which alcohol is made, and a large portion is exported. The provision in the present law giving three years for the deposit in distillery warehouse was made for a different class of whiskies; and to suddenly legislate in a way to affect injuriously that interest it seems to me is unjust and I can not vote for it. Although the class of whiskies that is not usually stored for any length of time is the class which is made by the people of Ohio, those who are engaged in that business, and the whiskies that are made which require age to be valuable are made in Kentucky and other States where Bourbon and rye whiskies are made, still I would not think it just or right to take advantage of this pending bill, which is intended for the relief of people all over the country, in order to make a sudden revolutionary change in a law which has been passed by Congress and has been debated over and over again.

It seems to me we ought not to legislate in that way. We ought not to adopt so important a principle, which would strike at the interests of large classes of our fellow-citizens, without having at least a chance for discussion, without their being warned of the probability of the passage of such a law. I can see myself that in large numbers of distilleries which are now in operation under existing law, with stock on hand, with cattle and hogs feeding, and in the height of their business, a business which can not suddenly be stopped, to make such a provision as this by law would be so unjust to them that it would seem to be a greater hardship even than we seek to relieve those who now hold the stock on hand from. It would be unjust.

My friend from Minnesota [Mr. WINDOM], who must be familiar with the operation of this law, must feel how harsh and severe this will operate at once on those who are manufacturing whisky and can not stop. Even he will feel that this is not an appropriate time. This is a sudden, unforeseen movement, not contemplated or expected by a great multitude of people engaged in a lawful trade, whatever you may think about the product they make. It seems to me it is taking snap judgment upon them. It would be utter ruin to them, because they must go on and manufacture now; they are in the height of the season and they must go on; and yet if they are compelled within one year from this time to pay the tax on the whisky they are now producing, from this day forth the result will be at once to clamp their trade, to stop their business, and perhaps to destroy a great deal more than even the whisky on hand or the whisky being made, because they have their stock on hand and it must be fed.

It seems to me it is an unjust provision, and I can not vote for it, although in principle I think it is right; and I believe that if we had a bill before us to-day upon this subject and these people had had fair notice so that they could be heard and heeded if necessary, I should be willing to vote for a provision of this kind, but I can not do it as an amendment to this bill.

Let me say to Senators that this whisky is held in every State of this Union east of the Mississippi River. There is a very large and full statement made of the places where it is held. It is held in New England, in New York, and in every one of the States; largely, it is true, by corporations, especially by banks. Money has been loaned upon the warehouse certificates. The important question before us now is whether we shall give relief to the owners or holders of this whisky. If we do not give relief they are bankrupt. Who gains by it? The United States does not; it gets no more revenue; it holds on to the whisky. Sir, a less calamity than that has started many a panic in this country. It is not wise for us to suddenly injure a business in which men are lawfully engaged. Senators ought to be extremely careful lest they contribute to such a calamity. They may not like it and it is very common, I have heard the remark made here, "Why relieve whisky? Whisky is a bad thing anyway; better burn it, better destroy it, better let it go; men who are engaged in buying and selling whisky are speculators," and so forth and so on. It is a lawful trade nevertheless; a trade that at this moment the Government has an immense interest in. It is interested to the extent of 90 cents a gallon on 80,000,000 gallons, over \$70,000,000. The men making whisky are engaged in this occupation, and you now suddenly by this proposed section on a bill which has no relation to it propose to change a law which was passed with deliberation by Congress by overwhelming majorities, right in the mid of the winter, when these men are producing their goods.

Sir, it is unjust and wrong, and I can not vote for it, and I trust the Senate now having adopted the provision in regard to interest, the justice of which I can not deny, although I thought it would be better to pass the bill without that provision, yet now having given these parties relief on the payment of 5 per cent. interest, a higher rate of interest than the Government pays for its own money, and under severe restriction as to bonds—having given them that relief, let us not accompany it with a blow aimed in the dark and suddenly against hundreds of distillers now engaged in business, whose whole fortunes are involved probably in the passage of this very amendment. If this amendment be adopted, not a gallon of whisky can be made in the Kentucky distilleries with profit or with any hope of profit. If within one year from

this time they must with their new goods enter into competition with the goods which have been stored for three or four years, it is utter destruction to them, and the result will be an immediate clamping and destruction of their business.

Why do that? If the Senator is right, and I believe he is, upon the principle of his amendment, why not wait until the tariff bill or the tax bill comes up? The tax bill will present a very proper occasion to raise the question. It may be debated and discussed then, and the Kentucky distillers may have a chance to be heard. Why not give them that chance? Why put riders on this bill suddenly which would be destructive to them, plainly destructive, so destructive as to paralyze at once their whole industry?

Sir, I can not bring my mind to consent to it. I am willing to vote for this proposition at the proper time. I would vote for it as an amendment to a bill after due notice had been given and we could hear what these men have to say in regard to it. Congress passed the existing provision of law after full and long debate. Why repeal it so suddenly here without notice, so that no one interested in this question has had an opportunity to give his reasons to the contrary? It is not just to do it. I trust, therefore, the Senate will not, however plausible this amendment may be, adopt it, but rather pass the bill as it is, which will be a measure of great relief to men engaged in a lawful business.

Mr. BECK. Mr. President, when the question of interest was discussed a moment ago, in answer to a suggestion of the Senator from Kansas [Mr. INGALLS] about this being a Kentucky interest, I said I thought I had tables to show where all the whisky held in Kentucky was owned. I have found one applicable to twenty of the largest distilleries in Kentucky, covering 20,840,740 gallons, but not a complete one, as I thought I had, and I believe I have it somewhere. I will present this, however:

Table showing residence of the owners of whiskies now in the distillery bonded warehouses of twenty distilleries in Kentucky, embracing two in the second, fourteen in the fifth, one in the sixth, two in the seventh, and one in the eighth collection district.

Residence of owners.	Packages.	Gallons, estimated.
Alabama.....	235	12,045
California.....	3,768	147,106
Colorado.....	3,430	151,210
Connecticut.....	405	19,035
Georgia.....	745	33,015
Illinois.....	44,294	2,071,818
Indiana.....	9,767	459,049
Iowa.....	8,620	405,140
Kansas.....	5,061	237,867
Kentucky.....	68,791	3,133,177
Louisiana.....	330	15,511
Massachusetts.....	27,943	1,313,321
Michigan.....	4,058	190,726
Minnesota.....	6,009	287,423
Missouri.....	63,690	2,993,430
Maine.....	89	4,188
Maryland.....	185	8,695
Mississippi.....	47	2,209
New York.....	69,224	3,253,528
Nebraska.....	2,202	103,494
Ohio.....	98,296	4,619,912
Pennsylvania.....	2,135	100,345
Rhode Island.....	1,440	67,680
Tennessee.....	2,607	122,529
Texas.....	6,960	327,120
Virginia.....	200	9,400
West Virginia.....	1,255	58,985
Wisconsin.....	5,826	273,822
Dakota.....	235	11,045
Montana.....	463	21,761
Utah.....	10	470
Wyoming.....	450	21,150
Canada.....	50	2,350
Scattered.....	4,600	316,200
Total.....	443,420	20,840,740

This shows that Ohio in fact holds in twenty of the largest distilleries in Kentucky 40 per cent. more whisky than all the people of Kentucky own. New York holds more, and Massachusetts nearly as much as we hold.

One word as to the amendment offered by the Senator from Minnesota. That amendment means this, and it means nothing more: that you will now, without a hearing, without a suggestion that anybody is applying for any such law, strike down all the distilleries in Kentucky, all the distilleries in Pennsylvania, everywhere where whisky is made that is held in bond for improvement, and that at the season of the year when the distillers have bought their supplies for another year, have their cattle on hand, and their hogs on hand, and everything in operation. With 80,000,000 gallons now in bond, and the consumption of that character of whisky amounting to 15,000,000 gallons a year—for that is all it amounts to—six years' supply on hand, if the distiller be told now that he shall not have the three years that he has had by law for the last four years to warehouse his product, but shall be compelled to pay his tax in one year on all the whisky that he makes, it is the closing of

every distillery in the United States that makes that character of whisky from this day on; the sacrifice of all the stock they have on hand; the selling of all the cattle, of all the hogs, of everything connected with their business, and the millions of dollars of property they have put into it; and it will be a sacrifice of the revenue of the Government.

Mr. FRYE. Would not that be a magnificent operation for these speculators who come in now and ask the extension of two years?

Mr. BECK. I suppose that is what the Senator from Minnesota desires, to make a magnificent speculation for these speculators and to shut down all the distilleries of Kentucky and give the speculators an absolute monopoly. I suppose the thorough investigation he made last summer made him very much in love with those gentlemen, whom he denounced so loudly and reported about so favorably after he had looked into their management.

Is it proposed now, when nobody asks for it, to strike down an industry that has paid to this Government \$890,000,000 in the last twelve years, nearly as much as you have reduced your national debt? Men have invested millions in this business. I say so because there is one distillery—I will name one in the city of Louisville—where the cost of the distillery premises alone and the buildings upon it was \$1,150,000, and there are plenty more varying from \$150,000 to \$250,000, that would not be worth anything more than the brick and the timber the very moment this amendment was adopted and became the law. You would bankrupt ten times as many men by this amendment if it be passed now as you would give relief to by the bill proposed by the Senator from Ohio.

We have an internal-revenue and tariff bill before the Senate which we are considering every day in the Finance Committee. When that bill comes before the Senate, as it will very soon, if the Senator from Ohio and the Senator from Minnesota think this a proper amendment to propose to it, let it be proposed. Let the men who own these distilleries come and show the stock they have on hand, show the ruin with which the proposition is fraught, show the stock they are now feeding, show the injury that will be done to them, and when that bill comes up give them a fair hearing. But on a bill seeking to give relief, seeking to prevent men becoming bankrupt, for that is the bill the Senator from Ohio proposes now, to bankrupt without notice ten times as many men as this bill proposes to relieve—men who have believed that they were under the protection of the Government, carrying on a legitimate business, and who have made all their arrangements to carry on that business at an enormous expense in every form, in the supply of grain for the year's work and in the supply of cattle and in the supply of hogs and everything necessary to carry it on, and the employment of men—to stop them at once in midwinter, is a proposition that I think will not be seriously entertained.

Mr. WINDOM. Mr. President, the Senator from Ohio [Mr. SHERMAN] and the Senator from Kentucky [Mr. BECK] both do me injustice in the object I have in view in offering this amendment.

The Senator from Ohio says its purpose and object is to defeat the bill. I announced when on the floor a few moments ago that I had no such purpose. I am perfectly willing to vote for any fair measure of relief, as I stated then.

Mr. SHERMAN. I did not think I stated it that strongly.

Mr. WINDOM. The Senator used the word "purpose."

Mr. SHERMAN. I withdraw it. I certainly did not intend to impute any wrong purpose to the Senator. I stated, and I repeat, that the effect of the amendment would be to do what I said. If I said more than that, I am sorry for it.

Mr. WINDOM. I did not rise to criticise it; I referred to it only for the purpose of giving the Senator an opportunity of saying that he did not intend it, because I have no such purpose. What the effect may be is a matter of argument.

When the Senator from Kentucky says that I want to see this done in order to break up the distillers and get up a big speculation among the whisky owners, he does me an injustice. I had not thought of it. The Senator from Kentucky knows a great deal more about whisky speculation than I do, for he uses it. It had not entered my head until he made that suggestion.

It seemed to me as the Senator from Ohio discussed this question that the two ends of his argument, the beginning and the close, did not hang together very well. At the outset he told us that he believed the amendment I had offered was right in principle and that he would vote for it on the tax bill or the tariff bill or some other proper bill that should come up hereafter, while at the close of his discussion of this question he proceeded to show that this amendment would work destruction to a great interest, was unjust, unfair, and all that. I can not see why it would be any worse, why it would do any greater damage, on this bill than if it were offered on the tax bill, which may come up in a week or two. I can not see how it would injure the distiller any more under one bill than under the other, if it injures him at all.

The Senator from Kentucky says the tax bill will be before us in a short time, and then there will be an opportunity to present my proposition. Let me say to both those Senators, if the tax bill was coming on so soon why was it that this whole bill (which would be very appropriate in a tax bill) was not left until that time came?

The Senator from Ohio says that there are a million dollars per month to

be paid or a million of gallons withdrawn. That is not much more than the annual average consumption; so that during the next two months, if a million or two should be withdrawn it can not do any very great harm to anybody, for the demand is about equal to a million a month, as I remember it, though I have not refreshed my recollection recently.

Mr. President, there are three parties interested in this bill. The Government of the United States is one, the distillers of and traders in the whiskies provided for known as Bourbon whiskies are another, and the distillers of and traders in the high wines are a third class. This third class is quite as large or larger. I think it manufactures a much larger proportion of the whisky of the country than does the Bourbon distiller and trader. The bill simply selects one of the three classes interested in this question and proposes to confer upon them great benefits and to the injury of the others. It is to the injury of the Government to some extent in the fact that it proposes to postpone the payment of the tax. I might consent to that under the provisions of the bill with proper restrictions to guard it, and save us against such difficulties in the future; but the bill of the committee proposes no such thing. It simply says we will confer on this class of people the benefit of a two-years' extension, even though it may be made at the expense of the Government, and we will do it notwithstanding the other half of the distilling interest of the country or two-thirds of it (which I think is nearer the truth than half) are here to-day protesting against it.

The Senator from Kentucky says that this comes without notice, that it is sprung upon us suddenly. The Senator from Ohio says it is a stroke in the dark without any notice, without any intimation. I have read you here a petition, which I judge from the mode in which it was gotten up has been circulated pretty largely over the country. I know that the men interested in this business in my State have sent to me a copy of it and sent the original petition to the House of Representatives. I know the men and I know they are among the best men of the State, men of high standing, of excellent character, men who tell us that their business will be damaged and that the whole business of the northwestern distillers will be damaged if this bill goes through without the amendment which I have proposed. They use as strong language with reference to it as they do with respect to that part which the committee has reported. The language is the same. In both cases they say they "earnestly petition" Congress to grant the two years' extension, and "we also earnestly request and petition Congress" to grant the other provision which I have introduced.

The Senators tell us that this is suddenly sprung without any notice. Mr. President, this matter has been discussed all over the country. Both sides of this interest understand perfectly well this proposition. The side that is taken care of by the bill now pending in the Senate has been heard. The gentlemen whose interest will be damaged, who represent the other side of the whisky question—and I am not now talking of the moral question at all, but wholly as a business and economical question—say that their business is damaged by the vast accumulations which have been piled up in warehouses during the past three or four years; and they say to you: We are willing that the other interest shall have this relief if it is necessary, but at the same time if you grant them the relief they ask, grant us the protection which we also ask for our business.

The bill singles out one of the three interests, ignores the interest of the Government, repudiates the interest of the other branch of whisky distillers, and says simply: We will give relief to the one, no matter what it costs to the Government and to the other people engaged in the same business.

Mr. President, I have no desire to defeat this bill. I see the difficulties which are presented; I see also the difficulties which are to be presented in the future; but I say that on this bill and now is the time and place to consider both of these questions. The gentlemen for whose relief the bill is introduced have been heard, and I ask you now that the others be heard also; and that if you grant them the relief asked for, which I shall not object to provided we remove the difficulty in the future, by my amendment, let us also protect the Government and the other interest by the same bill. It is just and right; it is not a rider; it is not introduced for any purpose of defeating the bill. Give us this amendment, which will fairly protect all interests, and I shall make no objection whatever to the bill.

The Senator from Kentucky says nobody has asked for my amendment. I presume the petitioners, representing more than one-half of those interested, do not address themselves to him. I know that he is a fair-minded man, who would want to do justice to all parties concerned; but I tell him there is an interest quite as large as that which he represents which will be damaged by this bill if it is passed; and the Government will be damaged also. You will find, as I said when on my feet before, that you will only add to or aggravate the evil in the future by passing this. You made it bad enough when you said the time should be three years instead of one year. You now propose to make it five years, and it will aggravate and make still worse the evil under which they are now suffering.

Mr. President, the right way to do this thing is to grant proper relief at the present time, and at the same time grant proper protection both to the Government and to the other interest.

Mr. WILLIAMS. I do not know that I can add anything to what

has been already said by my colleague and the Senator from Ohio. I think that the Senator from Minnesota is entirely mistaken when he says that the distillers in the Northwest are opposed to this extension. I know that they have held a meeting, and that their president has been in Washington city urging this very thing. I know that the only difficulty or difference between them has been that the holders have generally wanted an extension for the whisky already in bond for five years, and the distillers have wanted it also for five years; and a compromise took place between them and they unanimously recommended that the bill as now reported by the committee should pass. I can say to you, sir, that I can not see for my life how a maker of high wines is to be damaged by the holding of the fine whiskies in bond until they are fit to drink. It takes them that long out of competition with their own product.

I know that this amendment offered by the Senator from Minnesota will amount to a confiscation of all the property invested now in the distillation of spirits of the finest quality. It will bankrupt every man engaged in the business. If the Senator has no sympathy, no compassion for the men who have invested millions of their property in this industry, which has paid into the Treasury of the Government more money than the amount of the public debt that has been paid off since the war—if he has no mercy on them, and no regard for them, pray let him have some compassion upon his constituents. So of other Senators. Do not force them to drink whisky before it is fit to drink; do not force them to drink mean whisky and high wines not fit to drink at all.

This amendment will stop every distillery. It is an amendment in the interest of the speculators who now hold this whisky. I am in favor of giving them the relief which the committee has reported. They ought to have it. I did not think that any interest ought to be charged for the extension. I was not willing to see my Government become a partner of the whisky holder and profit by this extension. I want the Government to get its revenues on the amount of whisky that goes into consumption, no more and no less, and if these whiskies are kept in bond other whiskies will take their place if the demand requires it. You can not sell more than a certain amount.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Minnesota [Mr. WINDOM].

Mr. EDMUNDS. Let it be read, please.

The PRESIDING OFFICER. The amendment will be read.

The Acting Secretary read the amendment, as follows:

That the time within which distilled spirits produced or manufactured after the passage of this act are required to be withdrawn from distillery warehouses shall be limited to one year from the time such spirits shall be entered for deposit in distillery warehouses.

Mr. WINDOM called for the yeas and nays, and they were ordered. The Principal Legislative Clerk proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Michigan [Mr. FERRY].

The roll-call was concluded.

Mr. RANSOM. My colleague [Mr. VANCE] is paired on this question with the Senator from Louisiana [Mr. KELLOGG]. My colleague if here would vote "nay."

Mr. CAMDEN (after having voted in the affirmative). I am paired with the Senator from Wisconsin [Mr. SAWYER], who has gone away to attend the funeral of Representative Orth. I therefore withdraw my vote.

Mr. BARROW. I am paired on this vote with the Senator from New Hampshire [Mr. BLAIR].

The result was announced—yeas 17, nays 33; as follows:

YEAS—17.

Brown,	Hale,	McMillan,	Sewell,
Cameron of Pa.,	Hawley,	Mahone,	Windom.
Conger,	Hoar,	Maxey,	
Dawes,	Ingalls,	Platt,	
Edmunds,	McDill,	Rollins,	

NAYS—33.

Allison,	George,	Lapham,	Sherman,
Bayard,	Gorman,	Logan,	Slater,
Beck,	Groome,	McPherson,	Vest,
Call,	Harris,	Miller of N. Y.,	Voorhees,
Cameron of Wis.,	Harrison,	Mitchell,	Walker,
Chilcott,	Jackson,	Pendleton,	Williams.
Cockrell,	Johnston,	Pugh,	
Coke,	Jonas,	Ransom,	
Garland,	Lamar,	Saulsbury,	

ABSENT—26.

Aldrich,	Davis of W. Va.,	Hill,	Plumb,
Anthony,	Fair,	Jones of Florida,	Saunders,
Barrow,	Farley,	Jones of Nevada,	Sawyer,
Blair,	Ferry,	Kellogg,	Vance,
Butler,	Frye,	Miller of Cal.,	Van Wyck.
Camden,	Grover,	Morgan,	
Davis of Ill.,	Hampton,	Morrill,	

So the amendment to the amendment was rejected.

Mr. WINDOM. I think I have an amendment now which will meet the objection of both the Senator from Ohio and the Senator from Kentucky. I offer it to come in as a new section:

That the time within which distilled spirits which shall be produced or manufactured after six months from the passage of this act are required to be withdrawn from distillery warehouses shall be limited to one year from the time such spirits shall be entered for deposit in said warehouses.

The objection made to the amendment which I proposed before was that it was a snap judgment, that there were large stocks on hand, a large number of hogs, cattle, &c., and that it would be unjust and harsh to put an immediate stop to this. Now I propose to give them six months' notice.

Mr. MORRILL. Put it July 1, 1883.

Mr. WINDOM. I will modify it by making it "after July 1, 1883." I propose now to modify it so as to give an ample opportunity to work off all this stock and to let the business adjust itself to the new law. If the Senate desire to put a stop to this thing at all; if they desire that when these two years expire we shall be in a better condition than we are now, it does strike me that this is an opportunity to do it. So long as the cause of the evil exists the evil itself will exist. Everybody says it is an overmanufacture. Now let us give them notice until the 1st of July to work off the stock on hand, and then let us have the old law restored under which there was no difficulty.

Mr. SHERMAN. The same answer can be made that was made before. This is an incongruous matter introduced in this bill having and intending to have the effect of dividing the friends of the bill. I therefore will not vote for it. If the Senator desires to make radical changes in our mode of collecting the whisky tax he can do it readily in a bill that may soon come before us, a bill where such a provision would be pertinent. This bill is confined to a single matter of immediate relief to those who hold whisky in bond, and it should not be extended to another subject-matter. This matter has never been considered by the committee, never been discussed there in all its bearings. I think it is unjust and unfair to endeavor to defeat a bill of this kind or to offer a proposition which has the effect of defeating a bill of this kind in this way.

Mr. WINDOM. How can it defeat the bill? I do not understand.

Mr. SHERMAN. It would cause all those whose sense of justice revolts at a sudden change of the law without the parties being heard to vote against the bill. This is a bill for relief—

Mr. WINDOM. If the Senator proposes to put it back, however—

Mr. SHERMAN. I do not propose to put it back.

Mr. WINDOM. The Senator said that he would not object to putting it on the tax bill. Would he rather have votes against the tax bill and the defeat of that bill? I think it is the same thing.

Mr. SHERMAN. This is a single bill for the relief of our constituents, not only mine but men in all the States of this Union. It is plain and simple. No one has spoken against the object of the bill. There is no controversy about it. Not a Senator has denied that it is necessary to pass some such bill as this. It is reported with entire unanimity from the Committee on Finance, the only difference being as to the question of interest. The Senate has settled that question. Now, is it right to put in an incongruous matter that has no relation to this particular subject merely to enable this proposition, which I think will receive the sanction of the Senate without much division, to carry some other proposition that is disputed and contested, especially when, as is shown in the debate, the passage of this would probably cause more disturbance, more discontent, more controversy in the whisky traffic than any measure that could be proposed? The Senate only three or four years ago by a large vote carried the very proposition that the Senator now seeks to repeal. Why attach this subject to this bill?

Mr. WINDOM. Because the Senator has himself shown that that bill was the cause of all the trouble.

Mr. SHERMAN. It was not the cause of all the trouble. Why not extend this relief and pass the bill in a proper way? I beg Senators who are really in favor of granting this relief to remember that the effect of this amendment attached to this bill will be to defeat what is a measure of relief demanded, I think, by the sense of justice of almost every Senator who has heard the debate.

Mr. CONGER. Mr. President, it has been said here several times, and the country might believe it after the reiteration, that some of these amendments are sprung upon the Senate and the country without any notice and without any preparation for discussion or argument upon them. Now, sir, it is a remarkable fact that as to this bill the first and only notice we have ever had of it was this morning.

Mr. SHERMAN. It has been pending for some time.

Mr. CONGER. It has not been pending here twenty-four hours. It was reported yesterday and is in print this morning. The Senator from Ohio reported this bill on the 18th of December, as appears on the face of the printed bill. Now, what has been done? On the 4th of April last a bill of fifteen pages was introduced into the Senate and it dragged its length along here, with allusions to it made so timidly by those who wanted to bring it up, lest they should have some responsibility for introducing it, a worse bill, I admit, than this, until on May 16 an amendment of fourteen pages was reported as a substitute for it by the Senator from Delaware [Mr. BAYARD]. They are both printed with this same bill. On June 15 it was called up and considered, and it had no father, no sponsor. Almost without opposition, after it was considered, it was indefinitely postponed by this body.

On June 19 there was a motion entered to reconsider the vote indefinitely postponing the bill. That motion nobody dared press or father or be responsible for. In all the Senate no man was bold enough to do more than ask the Senate to reconsider its vote of indefinite postpone-

ment; and so it slipped until December 16, when it was recommitted to the Committee on Finance. This morning we have the result of all this, a bill simmered down to a page of provisions, and gentlemen say it must not be amended because the amendments are new—have not been discussed; and yet there is not a provision in this little short bill which corresponds exactly with any of the provisions of the two other bills. It does not hurt anything to have a new proposition come on a whisky bill at any time, in my judgment.

I have learned things to-day from the discussion here which I have been very glad to learn. I have learned here that all the people of the United States are asked to extend the time for the payment of \$70,000,000 tax on whisky, and the Senator from Delaware gives as one of the principal reasons for that extension that the country may be filled up with distillery-fed beef and distillery-fed pork, that we may not stop the distillery-beef-making process, the slop beef and the slop pork of the country. That is not a very forcible argument to address to a person representing the beef-growers and the swine-growers of my State. They have not an overanxiety to have the market filled up with swill beef and swill pork; and the gentleman mistook the argument if the object was to induce those of us who represent an agricultural portion of the United States where they raise beef and pork, and feed them grass and grain, not the filthy slop from the distillery but good pure food, securing good healthy beef, good healthy pork, to vote for such a bill. The people of almost all the United States, from Texas to the lakes, offer good, healthy meat in the markets of the United States, and we are asked to give a bonus of \$70,000,000 or withhold the payment of \$70,000,000 of taxes into the Treasury, when all other persons have to pay their taxes or lose their property; and one of the strong reasons which the Senator from Delaware has found out is that to require payment will stop the production of swill-fed beef and swill-fed pork, and prevent their coming into the market in competition with the healthy beef and pork of all the other States. I think there are but three States in all this Union that attempt to impose upon the good Christian people of this land swill-fed beef and pork in competition with Michigan beef and Montana beef and Iowa beef and Pennsylvania beef and Texas beef.

The arrow went a little too far beyond the mark. The swill-fed beef arrow and the swill-fed pork arrow aroused my opposition to the provisions of this bill to just the extent that all the people I represent are interested in the market being open to good, healthy beef and pork. It is a sanitary measure, it has got down to that, and I am happy to find that I can discuss a sanitary measure connected with this bill without at all alluding to the sanitary effect of drinking spirits. I have got it away from the human part of creation; it has come to the bovine part and the porcine part—the unhealthiness of this traffic and of this business upon the animal creation. So nobody can accuse me of being fanatical or extravagant in what I may feel a particular desire to say on a proper occasion about the evil of manufacturing so much whisky for the country.

I rest for this time upon presenting to the representatives of an agricultural people and to the people of the whole country the evil which this bill brings upon the health of the country by fostering and encouraging the production of unhealthy meat. I suppose I shall be passed by with as little attention as the argument of the Senator from Delaware on the swill-fed side of the question was. I do not think it affected anybody except to arouse a little feeling on the part of those who represent the true agricultural interest of the people, to arouse a little feeling that it is not a good argument here to pass such bills as make more swill-fed beef in the market and more swill-fed pork in the market.

My people do not desire the market filled with that kind of provisions. They want a market for good beef, and for healthy pork free from the diseases that have been shown for years to accompany that fed on the production of the distilleries, whether in the shape of meat or of milk. I should like to have some of these Kentucky gentlemen from the blue-grass region answer to their constituents why they will bring in this kind of beef and pork to deteriorate the value of the best beef in the world, perhaps, raised in the blue-grass region.

Mr. WILLIAMS. Will the Senator right there allow me to make a little statement for his information?

Mr. CONGER. Yes, sir.

Mr. WILLIAMS. I am a raiser and a grazer, and I know that the distillery-fed cattle bring more cents per pound than the corn-fed cattle and are better beef.

Mr. CONGER. *De gustibus non est disputandum*, I have heard. I do not know but that I might learn to like the flavor of the delicate material in beef, but in pork I never tried it. I do not know how that may be. It may be better, or it may be a substitute. I can not tell how this invisible spirit of evil gets into corn and is got out of corn, how it works itself in some way to be better in the liquid form than it is where nature leaves it in its solid form, grain, to be eaten, to be used for bread, the staff of life; and how that invisible spirit of evil can work itself into beef through the distillery, and into pork through the distillery, and make itself in demand at more per pound in beef and pork than the clean, healthy, grass-fed, corn-fed beef and pork of the country, I cannot imagine. What kind of taste must men have and how have they brought those tastes to that kind of a test that slop-

fed beef shall receive from them more money per pound than the pure, healthy beef of the mountain and plain?

I have heard it said that men who could not eat corn could worry down a little if it was worked over into whisky. [Laughter.] It may be that men who cannot endure beef might manage to dispose of a portion of a roast if it had this evil spirit of whisky some way or other passed through the distillery into the cattle and remaining inherent there. I leave it to the chemists and to the philosophers, I leave it to those who say swill-fed beef is the best, to tell by what invisible and insensible process the whisky of the grain shall work out into the cattle so as to make the beef more valuable. I can understand how the liquid can be sold by the quart, but I can not understand how that same liquid worked into beef should sell for more by the pound.

Mr. WILLIAMS. Does the Senator address his question to me?

Mr. CONGER. Well, it is a general question that I should put, to receive an answer, to all who are familiar with the subject so that I may receive some light upon it.

Mr. WILLIAMS. I have only this to say, that I do not understand the philosophy of the case, but I know the fact, and I can only suppose that it is by taking the intoxicating quality out of the corn that the beef is made better by the slop. [Laughter.]

Mr. CONGER. What I have heard, without pretending to know much about it, is that it is impossible, even with the strichnine and all kinds of poisons put into the mash, to get a large percentage of the spirit out of the corn. Now, it is said (and if my friend from Kentucky says it is not so I yield to his superior knowledge of the subject) that there still remains in the mash, after all the whisky that can be got out by the ordinary processes and by all the convulsions which strichnine can give to the mash, a large percentage of the whisky that goes to the cattle and to the hogs. That is the theory upon which I am talking and upon which I desire some light.

I do not know that the amount of spirits in the slop would be so great as to make the food better or worse; I can not tell about that part of the thing; but the examination of medical men, published in the papers for years, a critical, careful analysis of the products of swill-fed cattle in the shape of milk, has shown that milk from such cattle is injurious to health and detrimental to all the interests of those who use it. Why should it not remain in the beef? Why should it not remain in the pork? Does it breed those swarming, crawling, hideous things that bring death in the pork when eaten? They are in the mash; do they stay in the cattle? The strichnine does not kill them. I submit to anybody who has any particular knowledge on this subject whether this strichnine used in distilling and the other vile compounds add anything to the desire he would have for the use of strichnine-fed beef and pork. That is the thing.

But I want to speak of another subject. It is admitted by the Senator from Ohio, who complained that this amendment was forced on the Senate, and who himself has his printed bill here with a new clause, which is the whole of the bill printed yesterday and presented this morning, that if this bill is passed there is nothing to prevent the recurrence of the same overproduction of whisky, and a demand at the end of two years and an increased demand for this kind of relief. My friend is a statesman; these evils are growing slowly and gradually from year to year until they demand even his support of a measure which he believes to be wrong. Why in this bill did he not put in some provision against overproduction? Not a thing, not a word, nothing to limit the amount that may be put in bond to even the eighty or ninety millions of gallons in bond now there. Why not say at least that the aggregate should never exceed what it is now? I submit that was a very proper subject for the committee to inquire about.

The very amendment that has been voted down, all admit, would tend to prevent the overproduction of whisky; and yet this body voted it down. Only seventeen men here of all this Senate are willing to prevent the recurrence of what all admit is now and will continue to be a great and growing evil.

I do not ask any amendment of this bill to make it agreeable to me. I shall vote against it with almost any amendment upon it, but I should like to have the Senator from Ohio who has introduced this morning this bill and called it up without giving us any time to consider it, without much of any time for discussion—I would like him and the Committee on Finance of the Senate to provide some way against the recurrence within the next two years in a magnified form of the same evil which we were called to meet three years ago, and we are called to meet it now.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota, which will be again read for information as modified.

The ACTING SECRETARY. The proposed amendment is to add:

SEC. — That the time within which distilled spirits which shall be produced or manufactured after July 1, 1883, are required to be withdrawn from distillery warehouses shall be limited to one year from the time such spirits shall be entered for deposit in said warehouses.

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

Mr. HALE. Mr. President, there is to me something remarkable about the sensitiveness of the men who are interested in this bill and those who advocate it here. The Senator from Ohio who has it in charge

wants no amendment added, but says that this is a single measure for relief and that we should not be allowed to go further, and that the amendment proposed by the Senator from Minnesota and just read is incongruous and therefore should be thrown out. Where the incongruity is puzzles me to find out. The bill itself deals simply with the question of extending relief to the whisky interest by giving it more time to hold spirits in bond.

It is said that it troubles them; that there will be failures and suffering and paralysis and prostration if that time is not given. Everybody knows that this is an old scheme; it is an old expedient tried time and again here, and, as is admitted by Senators, likely to occur again. The Senator from Minnesota proposes an amendment that will cure all that and in the future leave the law as it was formerly at a fixed time, giving ample notice of that time, so that we shall not be continually troubled by the whisky interest clamoring at our doors for special relief.

I shall vote most heartily and earnestly for the amendment, in order to put this interest out of the way, so that it shall not be continually coming here and thundering as it does for help and support. How it is that to-day, with the things that ought to be dominating in interest before the Senate, this measure has got the right of way, I do not know. The civil-service bill is all ready for action and hangs suspended in mid-air, but it is dropped; appropriation bills that are ready to be passed are left in the lurch; and the whisky bill for the relief of the whisky interest dominates everything else, comes to the front, and has the right of way, and we are asked not even to be allowed to amend it so that hereafter we shall not be troubled in this way.

I know of no other interest that secures such hold and that gets the right of way as this. American shipping needs some protection and some relief, but it has the go-by and nobody pays any attention to it. Certain classes of the soldiery of the country demand legislation for their relief. There is nobody here to crowd out appropriation bills and civil-service-reform bills in order to get the ear of the Senate and of the country for them. But when the whisky interest demands legislation for its relief, then it has the right of way, and if any Senator ventures to offer an amendment that shall cure this evil he is told that it is incongruous and has no business here, and that we must confine ourselves to the bill itself. As I have said, for one I shall vote most heartily for the amendment of the Senator from Minnesota.

Mr. BECK. Mr. President, the Senator from Maine [Mr. HALE], I suppose, proposes to dispose of this bill as he tried to dispose of the resolution relating to civil-service reform by his amendment to the resolution I offered. It is a good way to kill the bill. If the Senate is not in favor of relief, it can vote down the bill. I tried to present a simple proposition for civil-service reform that he is so anxious about; but he took care to kill it in very much the same way that he proposes to kill this bill. He and the Senator from Minnesota are trying to kill this just about as fairly—

Mr. HALE. I wish the Senator from Kentucky would explain to the Senate how it is that this amendment offered by the Senator from Minnesota, if the bill pass with the amendment attached to it, in any way kills the purpose of this bill in affording relief now. I have not had any explanation given by anybody who has talked on that side of the question. The Senator from Minnesota, from what he said, evidently is in the dark. I know that other Senators feel as I do about it. Where is it that this amendment touches and makes any infirmity in the bill itself?

Mr. BECK. Because this amendment limiting the right to hold in bond for one year even on six months' notice is, as the Senator from Minnesota knows, if the Senator from Maine does not, a virtual confiscation, without hearing, of all the distillery property in the United States engaged in that business. If the Senator from Maine desires to be heard and to show any good reason why that should be done, he can do it on another bill before the Senate, and then he can be answered by men who do understand the case and who will show to the country and the Senate that the proposition never ought to be entertained. Now, it is sought to be forced through when men are seeking relief from bankruptcy, either to embarrass the action there or to take advantage of men who can not be heard. I might as well move as an amendment to this bill a proposition to make ships free, cotton machinery free, cotton-ties free, barb-wire fence free, salt and coal free, as to bring this in here. Either give the relief these people ask or vote it down, and give men whose property you seek to confiscate an opportunity to be heard before the committee on the bill pending and hear what they have got to say against it. That is the whole proposition.

Mr. INGALLS. How does the proposed amendment confiscate the property of all the distillers in the country?

Mr. BECK. Because when men are allowed now to hold for five years 80,000,000 of gallons on hand when the annual consumption is only 15,000,000, the distillers who make from this time on will in one year have their doors closed for five years, and in five years the distilleries will rot down. I suppose that is a fact, is it not? Will any man make liquor in one year when 15,000,000 is the average consumption and there are 80,000,000 gallons on hand? Can he make anything? Can he expect to do it?

Mr. INGALLS. The distilleries that manufactured the 15,000,000 necessary for consumption will not be confiscated.

Mr. BECK. The very reason of the relief now is because the production has exceeded the consumption.

Mr. ALLISON. The Senator from Maine wants to know how it is that appropriation bills are thrust aside by this bill. The only appropriation bill that is ready for the consideration of the Senate is the consular and diplomatic bill. It was my purpose to call up that bill to-day; but for a moment I was in the cloak-room and the Senator from Ohio [Mr. SHERMAN] secured the floor, saying to me that this bill would occupy only a brief space of time in the Senate. Therefore I yielded to him. I believe he said it would create no debate, and on that assurance I yielded to him for the consideration of this measure. I do not think the consular and diplomatic bill will occupy a great deal of the time of the Senate, and therefore I do not consider that it is a great strain on the appropriation bills to consider this question.

Now I desire to say a word or two on the proposition before the Senate. I agreed in the Committee on Finance to report this bill without amendment, believing as I did that it was not an unwise thing to place an interest clause upon it, but the interest clause amounting to a very small sum, I waived it in committee and voted against it in the Chamber. There are some things, however, which have been disclosed in this debate that almost make me doubt the ground on which I stand.

The object of this proposition was to relieve the market from the 80,000,000 gallons of Bourbon whiskies, or whiskies of that grade, that are now manufactured and in bonded warehouse. The Senator from Kentucky [Mr. BECK] properly states that the consumption of this class of whisky is about 15,000,000 gallons per annum, or taking a reasonable consumption it would certainly not exceed 20,000,000 gallons. Therefore the amount of whisky now in bond is equal to the consumption for four years; so that if there were no whisky distilled for the next four years there would still be a sufficient quantity of this Kentucky whisky to supply the market.

Mr. INGALLS. That is, if no more whisky of this grade were made.

Mr. ALLISON. Of this grade, I mean. When the Senator from Minnesota [Mr. WINDOM] introduced his amendment providing that all whiskies hereafter manufactured shall only continue in bond one year, then we are told what I did not know, I confess, before, that the distilleries that manufactured this class of whisky are to continue to manufacture whisky. If they are to continue to manufacture whisky, and if there is to be no stoppage, I want to know how we are to get rid of this great excess of distilled spirits on hand at this date? That is what troubles me; and I want the Senator from Kentucky to explain to me if the distilleries in his State are to continue to manufacture this kind of whisky to the extent of twenty millions a year, how we are ever to get rid of this excess of Kentucky whisky, because that is the thing that troubles me. That is a fact that has been disclosed in this debate which I did not understand fully before. I supposed that this relief was to be granted, that the distilleries for the time being were to be closed until the excess of this higher class and grade of whiskies should be disposed of in the market; but if the distilleries are to go on day by day and month by month, I do not see how we are ever to get rid of this question unless we take it and handle it in some radical form as is suggested by the Senator from Minnesota.

Mr. BECK. I can answer that, I think. The surplus on hand is owned largely by dealers, very largely; nine-tenths of it.

Mr. INGALLS. Largely by dealers?

Mr. BECK. Yes, sir; of course it is.

Mr. INGALLS. I thought it was held largely by speculators who had pawned the certificates on which the bank advanced money.

Mr. BECK. I embrace in the word "dealers" all who buy from the distillers. You may designate them by any term you choose. Those people have largely overpurchased, that is evident by the amount of whisky in bond. The consumption is 70,000,000 a year of high wines, and the balance is in bond. In 1879 and 1880 those who are now seeking relief and who are supposed to be on the verge of bankruptcy (as we know from statements made before the committee that many of them are; I do not care about calling the names of those who appeared before the committee from Cincinnati and elsewhere) purchased more than the country demanded, just as has been done in a great many articles before. We all know what caused the panic in 1873; we know what has been the effect of overproduction in many articles.

The Kentucky distiller, the distiller who makes fine whiskies, of course will not make unless he can sell. Men who have largely overbought will not be caught twice doing the same thing. The production is reduced very greatly now, to less than 30 per cent. of what it was two years ago, because of this overproduction. Still, if they are allowed the three years the law now gives them they can keep their distilleries open and they can keep feeding their stock as they are doing, many to a limited extent, and the two years' extension bridges over most of the time for the stock now on hand, and the younger grades of whisky will be bought by men who know that in four or five years the surplus now on hand will be exhausted. Allowing the three years now permitted, the younger whisky they will make next year and the year after will not be forced on the market until after the present surplus is exhausted, because it will be four or five years before it can be used; it will be bought by men to a limited extent, will be manufactured to a limited extent. If, however, you make the time one year peremptorily,

you close them all up, and you stop hereafter all revenue from that class of whisky. That is the whole effect of it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota [Mr. WINDOM].

Mr. HALE. Let us have the yeas and nays on that.

The yeas and nays were ordered.

Mr. LOGAN. I should like to get from the Senator from Kentucky, the Senator from Iowa, or any other Senator a little information on this subject. I do not want to vote against the interest of these men merely because they manufacture whisky. I do not want to be governed by any notions I may have or may not have on the subject of temperance in respect to this interest; but as I understand the law three years are allowed now. This is an extension of the time, because of an overproduction, for two years longer. Is that correct?

Mr. BECK. An extension of the time for the goods on hand.

Mr. LOGAN. The proposition of the Senator from Minnesota is to restrict all manufactures of whisky hereafter to one year in bonded warehouse. That reduces the three years to one year, as I understand it. Is that not the proposition?

Mr. EDMUND. That is just as the law was originally.

Mr. LOGAN. I merely want to get at the point. If that is the proposition I am against it for the reason I shall state. The manufacture of that article, as we understand it, requires a very large amount of capital, first to make what is commonly called the plant. It certainly requires an immense amount of capital to pay the tax before you can put the whisky on the market. This extension of time is given to afford an opportunity to the manufacturer of this article to work off the article as he pays the tax on it.

Under the law in reference to foreign articles imported into this country an article imported lies in bond in the warehouse or in the custom-house; and the party has the right to export that article and send it to some other country, and so work it off without paying any tax whatever. It is allowed to lie in bond in the custom-house until he has an opportunity to dispose of it; at least a time is fixed—

Mr. BECK. Three years.

Mr. LOGAN. Three years in which he has an opportunity to work off the article. Now, it does seem to me that where we give persons importing goods into this country that time to work them off without requiring an immense capital to pay the tax at the time and keep it on hand in bulk till they sell it, we ought at least to be as liberal to our own people who manufacture articles. That is the way it seems to me. I may be wrong about it, but it does seem to me that if I am correct in this proposition the true principle to be adopted is to give our own manufacturers in this country the same opportunity that we give the manufacturers in other countries to export to this country when their articles are to be handled by our people. That looks to me to be reasonable.

Mr. HALE. An importer has only one year.

Mr. LOGAN. I beg the Senator's pardon. You can import any article from England or Germany or anywhere else to-day and put it in bond, and you can export that article and send it to South America and sell it there, and you make your money out of it and never be required to pay any taxes whatever. That is the law as I understand it.

Mr. EDMUND. If you do it within a year.

Mr. LOGAN. The time makes no difference. Therefore I say that this manufactured article being in excess of the necessities or requirements of the country, whatever they may be, it is just as fair to these people to give them an opportunity to work it off without requiring this immense amount of money to pay the tax as it is in the other instance.

If you adopt the amendment introduced by the Senator from Minnesota, it will do exactly what the Senator from Kentucky says. Now, dealers have three years to work off this article; you extend it two years to the article on hand; then you reduce the three years to one and you force the parties who manufacture hereafter in one year to put their product on the market at once and get rid of it, and you have a greater glut in the market than you have to-day. That is the effect of it, and, as the Senator from Kentucky says, if that amendment is adopted it will put every distiller into bankruptcy.

Whether distilling spirits is a proper thing or not, I am not discussing. I only discuss the question as to the operation of the law as it at present exists and the operation of this amendment as it would exist if it were adopted and a law on the manufacturers of this article. I think the effect would be exactly as the Senator from Kentucky says. It will put into bankruptcy every distillery in the United States in operation to-day that would be compelled to work off its article within twelve months when you extend the bonded period two years. You allow those having spirits in bond to keep them there two years and require the distiller hereafter to work off the whole of his manufacture promptly. So all now on the market and that to be produced in the next twelve months would be forced on the market. It would be worse than to leave the law as it is to-day, in my judgment. For that reason I shall vote against the amendment.

Mr. CAMERON, of Pennsylvania (at 5 o'clock and 5 minutes p. m.). It is very evident that we can not reach a vote on this question to-night. I move that the Senate adjourn.

THE PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate do now adjourn.

The motion was not agreed to.

MR. EDMUND'S. I wish to say a word and I shall not occupy three minutes of the time of the Senate.

In the first place I wish to say that I suspect nobody will deny that all this special legislation in the interest of any tax-payer is false in principle, and can not be defended upon any grounds of fair play and equal taxation. The whisky-tax laws, like all other tax laws external and internal, when they began, put the whisky men on the same footing as everybody else, plain and prudent regulations that they could conform their business to. By and by it was found desirable by the whisky men, the people engaged in this business, not to pay their taxes on the production. They were allowed to keep it one year in bond for disposition. They found it was inconvenient to pay their taxes like everybody else on the law under which they had acted. Then they got us to pass the act of 1878, March 28, which, for them in particular and nobody else, extended the time for the payment of their taxes for three years. As I should read the statute, it would be three years in addition to the one. My learned colleague, the chairman of the Committee on Finance, says the true construction is that it was only an extension of two years, making it three altogether; but to my unsophisticated eye I should say it would be four altogether. But no matter about that.

That act, which was on the face of it apparently exceptional, abnormal, provided that for this delayed payment of taxes there should be assessed interest at the rate of 5 per cent. The Senate and the House of Representatives and the President agreed to it. With that provision they should have an extension of time by paying interest on their taxes. The next time Congress came around the gentlemen engaged in this occupation came here and persuaded Congress by good reasons or bad ones to take off the interest provision entirely and to let them delay the payment of their taxes without any interest at all, because they were going to be oppressed and ruined if they paid interest. Now, these very same people under this bill are to have another extension for I have forgotten the length of time and I do not care what it is—another extension without interest.

Where are we going to end, Mr. President, with this kind of legislation? Is it not just like the issue of paper money? The Chair will pardon me, for I know he has peculiar opinions about paper money; but the more of it you issue that is not redeemable in coin somewhere, the more you need at the very next occasion to supply the inflation of prices and the depreciation of money.

Now, we extend this for another year or two, whatever the bill is, and when the time comes on, what are you going to do then? Are you going to stop, or are you going on indefinitely providing that this one class of tax-payers of the United States shall have a favor that is extended to nobody else?

Mr. President, to be as brief as possible and keep within the time I have allotted to myself, it appears to me that this bill is false in principle. If it is to pass, the amendment of the Senator from Minnesota will have some tendency to bring us back to a solid footing again.

MR. SHERMAN. I shall detain the Senate but a few moments in replying to some observations that have been made in respect to this bill. What is it? Here is a bill that has been sent to us by the House of Representatives, the representatives of the people, nearly a year ago, to relieve an industry which had accumulated \$80,000,000 worth of stock on hand. Under the laws as they existed, as it was shown to the House of Representatives, if these laws were enforced, every person engaged in the manufacture of these spirits, or who was the owner of them, would be utterly ruined and destroyed, in all human probability. There was \$80,000,000 worth of whisky on hand, when the ordinary consumption would be about \$20,000,000 per annum.

The House of Representatives after full examination by the Committee on Ways and Means reported that the best solution of this question was to allow people only to pay tax when the goods were entered for consumption. They put it on the ground that the Government of the United States, which receives four-fifths of the value of these goods in the way of taxes, ought to be willing to wait until the holders could find a market for their goods and sell them. That was the position in which the bill came to us.

The Senate, however, was dissatisfied with the bill, and the Senate Committee on Finance reported substantially against it and reported another proposition, which gave two years' additional time not only to the stock on hand but to that which might be manufactured, so as to allow the manufacturers of whisky to pay the tax any time within five years from the date of manufacture, allowing them that time to do it. We did not place them on a better position than every importer of merchandise in the United States. Goods are brought here and our laws provide that they can be retained for three years in Government warehouse. After the first year they have to pay taxes, and on the final withdrawal if the importer keeps them three years they must pay 10 per cent. additional, but during the period that they are thus stored in warehouse they may be exported without any taxation whatever.

This same subject has been constantly agitating the minds of the persons in interest, and the people of the West and especially in the region where these whiskies are made. They are scattered all over the coun-

try, and they come here, men whom I know, men of high character and standing, as numerous—I will not say as the sands of the sea—but numerous as are the men engaged in the business from all parts of the country. They say now that these goods are piling in, the taxes are becoming due, and the tables brought before us by the Commissioner of Internal Revenue show that there must be paid about a million of dollars a month, and after two or three months a million and a half or two million dollars must be paid, and these goods must be forced on the market. The effect of that would be utter destruction to the men who own these whiskies, because they will not sell in a forced market for more than the Government tax, and the Government must first be paid and these men will be ruined. Money loaned upon this property, represented by warehouse certificates deposited for spirits in the Government warehouses in Kentucky mainly, will be lost, and distress and trouble will be created in all parts of the country.

MR. EDMUND'S. May I ask the Senator from Ohio a question?

MR. SHERMAN. Certainly.

MR. EDMUND'S. Will the Senator from Ohio please tell me and the other Senators who are interested in this bill, how he proposes to wind up this abnormal and exceptional state of things; or does he mean to make a general system that there shall be an indefinite extension from time to time?

MR. SHERMAN. I intended to meet that very point. Here is this stock on hand; the taxes are becoming due; the taxes are payable; the property will be sacrificed, and many people who are engaged in a lawful undertaking will be ruined. Men have told me almost with tears in their eyes, men whom I know, men who are just as good as any persons in the Senate, men who are engaged in what they consider a lawful business, that if they are compelled to pay the taxes now they will at once abandon the property as confiscated to the Government, and the forced sales of these spirits will not only ruin them but will ruin the whole traffic in the other class of spirits that can not be kept more than two or three or four months. So the injury that is caused by this toppling down of the value of their property will extend itself to all this business, to bankers, to transporters, to persons engaged in a great variety of business. They come here and represent this condition of affairs; and finally yielding their original demand, giving up their demand that they ought not to pay the tax until they can sell the goods, they simply say, "Give us two years' more time and we will work off the stock; we will export it or sell it, and bear the sacrifice."

MR. EDMUND'S. That is what they said in 1878.

MR. SHERMAN. Precisely, and Congress responded to them. If anybody is in fault, Congress by yielding to the extension from one to three years encouraged them in this overproduction.

MR. EDMUND'S. Then where are you going to stop?

MR. SHERMAN. I will come to that in a moment. The Senator from Vermont asks me when this will stop. I say it is stopped to some extent already. Last year the manifest overproduction was appearing upon the face of the returns, gradually growing up to 80,000,000 gallons. There is already a pause, there has already been a falling off of the production of Bourbon whiskies something like from six to ten million gallons.

The Commissioner of Internal Revenue gives a table of 6,000,000 gallons. Six million gallons have already been withdrawn from the Government warehouses since we were here before. The distilleries in Kentucky, the distilleries in Pennsylvania, and all the rye and Bourbon distilleries have been lessening and reducing their production until it is now probably not one-third of what it was two years ago. I do not know about this except as I hear it from these gentlemen.

MR. BECK. It is reduced down to 35 per cent. That is my recollection of the arrangement made.

MR. SHERMAN. The matter is working its own cure; and these men know that if they produce anything like the quantity they did before they will destroy their own product and their own market. But it is said, "Why not stop them; why not stop the distillers?" Anybody who knows anything about these distilleries knows that to lay them up one year is practical destruction. Every year they have got to run to a certain extent to keep their mash-tubs and all the various paraphernalia in order. They have to keep them going even if they work but 20 per cent. of their production; they must keep them going more or less. When they start they have to keep going all the year round. They can not suddenly stop, because they have their stock on hand to feed. If it is not such good beef or such good pork as my friend can raise in Michigan, still they have to keep going till the end of the year.

Now, to come back to this proposition; is it wise to complicate this bill, which is simply an earnest effort to extend the hand of relief to a class of business men engaged in this country? Shall we connect with that a proposition that is disputed and controverted between these various producers of whisky? The producers of high wines living in Minnesota, Illinois, and even in Ohio, say they do not care so much for the bonded period, because their product is as good two months after it is made as it ever will be. On the other hand, the Kentucky distiller says his product is worth nothing for sale until it has age, so that it may meet the appetite of my friend from Kentucky, and my friend from Vermont, and myself, and those who like some age given to it.

It is of no value comparatively until it has age. I say it is not right, it is not just between man and man; it will look harsh and cruel to all these people engaged in the business to see us couple a disputed proposition which will divide these interests, which will be disputed in this body and make a contest, with a proposition which is a simple measure of relief and justice. That is the view I take of the case.

All I desire in reporting this bill is simply to give these men a chance to save themselves. They know that they have, in pursuance of the law that you unwisely passed three years ago, brought this evil on them, and they have got to work out of it, as they are now working out of it, by reducing the production to about one-third of what it was before, and they will work out of it; gradually this whisky will go into the market and be exported and be consumed and absorbed out of the way, and you can not hurry it. You can not in the mean time stop these distilleries entirely either this year or next year. You must let them, each man taking the risk of prospective gain or loss, work out the problem. For one I say that now, having good, fair notice, this measure of relief having been given to them after this struggle, they must feel that they never can get any further relief from Congress. I should not feel disposed to grant it myself.

Mr. EDMUND. But you are unwilling to put it in the law that this thing shall terminate on the proposition of the Senator from Minnesota.

Mr. SHERMAN. I am unwilling to put in force a law that will close up the distilleries until the whole 80,000,000 gallons now on hand are absorbed. If you revive the old law of one year now, no distillery can start, it must lie idle and rot, as one of these distilleries will in two years. I have seen many of them scattered through Ohio. Lay up a distillery and in two years it is scarcely worth anything, as Senators know, owing to the nature of this perishable kind of property. The tubs and vats and different things about the establishment rot from disuse. You must allow the distillers to go on a little, but they can not go on with a limitation which will require them to sell their product within one year in competition with the large amount of cured Bourbon whisky now in the market.

Sir, I hope the Senate—I am sorry to have detained it so long—will pass this bill. I believe it is a harmless bill of relief that will save from ruin a good many men and will do the Government no harm. We get 5 per cent. on all this tax, every bit of it, and more too—more than we pay ourselves. No harm is done to let these whisky men work out the problem hereafter for themselves as to future distillation.

Mr. WILLIAMS. I only want to say a single word in connection with what the Senator from Ohio has said. It is not disputed by anybody that there is a great excess of fine whiskies now in bond over the demand for them. The question has been considered by the distillers how the desired end can be reached, and they have held a meeting, and they have all agreed that there was but one way to reach it, and that was to stop the manufacture of nearly two-thirds and get an extension of two years more, which would enable them so to distribute over the five years the surplus now on hand and the reduced production, as to enable an equilibrium to be restored between production and consumption. That is the whole of it. The distillers everywhere have entered into that agreement.

Mr. EDMUND. Suppose this law passes, how long do you suppose they will stay stopped?

Mr. WILLIAMS. They will stay stopped until they see whether the law is to be repealed or not. I venture to say that not a single new distillery will come up. The distillers are interested in this extension, though they do not own more than one-tenth of the whisky now in bond. It is owned by people scattered all over this Union from Boston to San Francisco. They do not want to break their customers. A merchant can not do successful business where his customers are all insolvent. The distiller is not directly interested in this extension so much except to protect his customers. He knows the excess that is on hand. He has agreed to reduce his production to 35 per cent. of what he has heretofore made, and asked Congress to extend the bonded period two years longer that he may distribute what will be made and what is now in excess on hand over the five years, and the trade then will be in a healthy condition.

Mr. EDMUND. So that this is really a kind of guardian act of grace on the part of the distillers for the benefit of the dealers.

Mr. WILLIAMS. No, it is an act of justice to thousands of the best men in our country.

Mr. INGALLS. I wish to ask the Senator from Kentucky a question. It is estimated, I see, that since the 1st of July of this year about 5,000,000 gallons of whisky has been withdrawn from bond. Can he say how much since that time has been entered in bond of the same grade of whiskies?

Mr. WILLIAMS. No, sir, I can not say. I know that the whole production of the United States is about one hundred and eighteen or one hundred and twenty million gallons, and that we have been exporting about twenty millions a year, and we have consumed in this country yearly about seventy-five or eighty million, and that excess of twenty million has been accumulating on hand and has made this great surplus now in bond. The whisky in bond is not all drinkable whisky.

There is a great deal of high wines now in bond. A majority of it is drinkable whisky, fine goods, and there are some twenty millions of common whisky now in bond.

It is a wide mistake to suppose that the manufacturers of common whisky are opposed to this extension. I have not met a whisky man, North or South, anywhere, whether he made alcohol, high wines, or fine Bourbon, as they term it in the trade, who was not in favor of the extension. The Government does not lose a dollar. It will get all its taxes. It can only get the revenue on the amount that goes into consumption. It will get that, and it will get no more. Why resort to harsh measures to punish and break and ruin men who have contributed so largely to the Treasury of the United States?

Mr. INGALLS. The argument is made that unless we pass this bill the distilling interest of this country will become bankrupt. That means, of course, that they will be compelled to shut down and stop production. The reasoning, therefore, is that if this bill does pass they will continue production and hence be enabled to maintain their profit. There is entire inconsistency between the claims that are made and the arguments that are presented, and my impression is that instead of this being a measure of relief to the distilling interest, to enable them to avoid bankruptcy, it is a deliberate purpose on their part to postpone the payment until such time as the tax can be very largely reduced or entirely removed, so that they will be enabled to obtain the entire benefit of their product without paying anything to the Government whatever.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota [Mr. WINDOM], upon which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MORGAN (when his name was called). I am paired with the Senator from Michigan [Mr. FERRY]. If he were here, I should vote "yea."

Mr. ROLLINS (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. RANSOM. My colleague [Mr. VANCE] is paired with this bill with the Senator from Louisiana [Mr. KELLOGG]. My colleague, if here, would vote "nay" on this amendment.

Mr. VEST. My colleague [Mr. COCKRELL] is paired with the Senator from Kansas [Mr. PLUMB]. If here, my colleague would vote "nay."

Mr. MORGAN. I am told there is no difference of opinion between the Senator from Michigan and myself. I therefore ask leave to record my vote "yea."

The result was announced—yeas 24, nays 27; as follows:

YEAS—24.			
Anthony, Brown, Cameron of Pa., Coke, Conger, Dawes,	Edmunds, Frye, Hale, Harrison, Hawley, Hoar,	Ingalls, McDill, McMillan, Mahone, Maxey, Miller of N. Y.,	Mitchell, Morgan, Morrill, Platt, Sewell, Windom.

NAYS—27.			
Allison, Bayard, Beck, Call, Cameron of Wis., Chilcott, Davis of W. Va.,	Garland, George, Gorman, Groome, Harris, Jackson, Jonas,	Lamar, Logan, McPherson, Pendleton, Pugh, Ransom, Saunders,	Sherman, Van Wyck, Vest, Voorhees, Walker, Williams.

ABSENT—25.			
Aldrich, Barrow, Blair, Butler, Camden, Cockrell, Davis of Ill.,	Fair, Farley, Ferry, Grover, Hampton, Hill, Johnston,	Jones of Florida, Jones of Nevada, Kellogg, Lapham, Miller of Cal., Plumb, Rollins,	Saulsbury, Sawyer, Slater, Vance.

So the amendment to the amendment was rejected.

Mr. CAMERON, of Pennsylvania (at 5 o'clock and 30 minutes p. m.). I move that the Senate adjourn.

Mr. SHERMAN. Oh, no; let us finish the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

A division was called for.

Mr. PENDLETON. I ask that the unfinished business be laid before the Senate.

Mr. SHERMAN. I hope we shall have a vote on the bill before we adjourn.

The PRESIDING OFFICER. The Chair will say to the Senator from Ohio [Mr. PENDLETON] that he will lay before the Senate the unfinished business before adjournment.

Mr. HOAR. I give notice that I shall object to any unanimous consent.

Mr. EDMUND. I call for the regular order.

Mr. INGALLS. The Senator from Ohio has a right to call for the unfinished business when he pleases.

Mr. HOAR. Certainly.

Mr. PENDLETON. I only called for it because it might be the disposition of the Senate to adjourn.

Mr. SHERMAN. I think we can finish the bill we have been on.

Mr. HOAR. I gave my notice with respect to adjournment that I should object to a displacement of the regular order before adjourning.

Mr. EDMUND'S. What is the regular order?

The PRESIDING OFFICER. The bill before the Senate.

Mr. EDMUND'S. What has become of the civil-service bill?

The PRESIDING OFFICER. The civil-service bill is the unfinished business. It has been laid before the Senate twice this afternoon and temporarily laid aside.

Mr. EDMUND'S. Then I call for the regular order.

The PRESIDING OFFICER. That is the unfinished business.

Mr. CAMERON, of Pennsylvania. What has become of my motion to adjourn?

The PRESIDING OFFICER. The question of adjournment has not been determined. A division has been asked for. Senators in favor of adjournment will rise and stand till counted.

There were on a division—ayes 19, nays 27.

Mr. CAMERON, of Pennsylvania. I call for the yeas and nays.

Mr. LOGAN. Let us vote on the bill before the Senate.

Mr. EDMUND'S. I call for the regular order.

The PRESIDING OFFICER. The Chair would rule that the motion to adjourn would have to be disposed of before anything else is in order.

Mr. EDMUND'S. Are the yeas and nays called for?

The PRESIDING OFFICER. They are called for by the Senator from Pennsylvania.

The call for yeas and nays was not seconded.

The PRESIDING OFFICER. The yeas and nays are refused and the Senate refuses to adjourn. The Senator from Vermont calls for the regular order, which is Senate bill No. 133.

Mr. SHERMAN. Pending that, I move that the regular order be postponed with a view to conclude the bill we have been considering.

Mr. CONGER. Let the title of the bill be read.

Mr. SHERMAN. I ask that my motion be announced first.

The PRESIDING OFFICER. Which bill?

Mr. CONGER. The bill that the Chair says is the regular order. I desire to know what bill that is.

The PRESIDING OFFICER. Senate bill No. 133, to regulate and improve the civil service of the United States.

Mr. SHERMAN. I move to lay it aside.

Mr. EDMUND'S. There is no such motion as to lay aside. The motion must be to postpone.

The PRESIDING OFFICER. The motion is to postpone until to-morrow the regular order.

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

Mr. SHERMAN. If the Senate desires to adjourn I shall not object.

Mr. EDMUND'S. That is not the question. We are asking for the yeas and nays on the question of postponing the regular order.

The PRESIDING OFFICER. The yeas and nays are called for on the motion of the Senator from Ohio [Mr. SHERMAN] to postpone the regular order.

Mr. PENDLETON. I should like to inquire the effect of that.

Mr. EDMUND'S. Let us find out whether we can get the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are called for.

The yeas and nays were ordered.

Mr. PENDLETON. Now, I should like to know the effect of a motion to postpone the regular order.

Mr. ALLISON. It takes its place on the Calendar again.

Mr. PENDLETON. I want to know if it is the intention of the Senate now, after the civil-service bill has been laid before the Senate as the regular order, to lay it aside and put it upon the Calendar?

Mr. INGALLS. That is the effect of the motion if it prevails.

Mr. PENDLETON. I hope the Senator from Ohio will not substitute his bill for the civil-service bill.

Mr. HALE. The motion substitutes the whisky bill for the civil-service bill.

Mr. SHERMAN. I certainly shall insist on the motion, because I think the bill in my charge has been unfairly dealt with, and I intend to insist on that motion to the end, against the civil-service or any other bill. We can decide the bill in a few moments; I shall make the distinct issue.

Mr. PENDLETON. I had no intention of calling up the unfinished business except at the last minute before the adjournment.

Mr. SHERMAN. I have no complaint to make of my colleague, but I think it is due to the bill which has been before the Senate that it should be disposed of.

The PRESIDING OFFICER. The motion is to postpone the regular order, Senate bill No. 133, until to-morrow. Upon that the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Michigan [Mr. FERRY].

The roll-call having been concluded, the result was announced—yeas 16, nays 30; as follows:

YEAS—16.

Barrow,	Chilcott,	Groome,	Sherman,
Beck,	Davis of West Va.,	Harris,	Voorhees,
Brown,	Garland,	Jonas,	Walker,
Call,	Gorman,	Pugh,	Williams.

NAYS—30.

Allison,	Edmunds,	Jackson,	Pendleton,
Anthony,	Frye,	Lamar,	Platt,
Bayard,	George,	Logan,	Rollins,
Cameron of Pa.,	Hale,	McDill,	Saunders,
Cameron of Wis.,	Harrison,	McMillan,	Vest,
Coke,	Hawley,	Maxey,	Windom.
Conger,	Hoar,	Miller of N. Y.,	
Dawes,	Ingalls,	Mitchell,	

ABSENT—30.

Aldrich,	Ferry,	Lapham,	Saulsbury,
Blair,	Grover,	McPherson,	Sawyer,
Butler,	Hampton,	Mahone,	Sewell,
Camden,	Hill,	Miller of Cal.,	Slater,
Cockrell,	Johnson,	Morgan,	Vance,
Davis of Ill.,	Jones of Florida,	Morrill,	Van Wyck.
Fair,	Jones of Nevada,	Plumb,	
Farley,	Kellogg,	Ransom,	

So the motion was not agreed to.

The PRESIDING OFFICER. The regular order is before the Senate.

Mr. EDMUND'S. Let us take the question on the first amendment.

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

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 19, 1882.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

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

TAXES ON FERMENTED LIQUORS.

Mr. NOLAN, by unanimous consent, introduced a bill (H. R. 7071) to abolish internal-revenue taxes on fermented liquors, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SECTION 4702, REVISED STATUTES.

Mr. JOYCE, by unanimous consent, introduced a bill (H. R. 7072) to amend an act entitled "An act to amend section 4702, title 57 of the Revised Statutes of the United States, and for other purposes," approved August 7, 1882; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

LIQUOR SALOONS IN THE DISTRICT.

Mr. JOYCE also, by unanimous consent, introduced a bill (H. R. 7073) limiting the number of licensed liquor saloons in the District of Columbia; which was read a first and second time.

Mr. JOYCE. I ask that the bill be referred to the Select Committee on Alcoholic Liquor Traffic.

Mr. NEAL. I think, Mr. Speaker, it should go to the Committee on the District of Columbia.

Mr. JOYCE. I should prefer that the bill be referred to the Committee on Alcoholic Liquor Traffic.

The bill was referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

TELEGRAPH AND CABLE COMPANIES.

Mr. JOYCE also, by unanimous consent, introduced a bill (H. R. 7074) for the regulation of telegraph and cable companies; which was read a first and second time.

Mr. JOYCE. I ask that the bill be referred to the Committee on the Judiciary.

Mr. HEWITT, of New York. Bills of this class have hitherto gone to the Committee on Foreign Affairs.

The SPEAKER. Does this bill relate merely to internal telegraphy, or does it relate to ocean cables?

Mr. JOYCE. It relates to ocean cables as well.

The SPEAKER. The bill ought perhaps properly to go to the Committee on Foreign Affairs.

Mr. JOYCE. In the Senate, bills of this nature have gone to the Committee on the Judiciary.

Mr. HEWITT, of New York. I have no preference. I merely wanted to call attention to the fact that it has been the usual practice to send such bills to the Committee on Foreign Affairs.

Mr. JOYCE. I would rather have this bill go to the Committee on the Judiciary.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

LETTER CARRIERS.

Mr. MILLS, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Post-Office and Post-Roads:

Whereas it is publicly alleged that some official connected with the Post-Office Department has issued an order prohibiting letter-carriers from wearing over-coats: Therefore,

Resolved, That the Postmaster-General be requested to inform this House if any such order has been issued by any officer of that Department, and, if so, by whom and for what purpose.

PAY OF HOUSE EMPLOYÉS.

Mr. CALKINS. I offer the resolution which I send to the desk, on behalf of the employés of the House, that they may be paid this month on the 20th, instead of the last day of the month.

The Clerk read the resolution, as follows:

Resolved, That the Clerk of the House of Representatives be, and is hereby authorized and instructed to pay the officers and employés of the House their respective salaries for the month of December, 1882, on the 20th day of said month, or as soon thereafter as practicable.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HAMMOND, of Georgia. What is the purpose of the resolution?

Mr. CALKINS. To pay the officers and employés of the House before Christmas.

Mr. HAMMOND, of Georgia. I understand we have dispensed with Christmas this year. I object.

Mr. CALKINS. Let the resolution then go to the Committee on Accounts.

The resolution was referred to the Committee on Accounts.

ANNA DELAY.

Mr. FORD, by unanimous consent, introduced a bill (H. R. 7075) granting a pension to Anna Delay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN N. SMITH.

Mr. FORD also, by unanimous consent, introduced a bill (H. R. 7076) granting a pension to John N. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DUNN. I call for the regular order.

Mr. TOWNSHEND, of Illinois. I hope the gentleman will not do that, but permit us to introduce bills for reference.

The SPEAKER. The demand for the regular order cuts off all requests for unanimous consent.

Mr. TOWNSHEND, of Illinois. Is it in order to submit a motion that there be now a call of States for the introduction of bills for reference? We had no opportunity to introduce them yesterday.

The SPEAKER. The Chair will submit the proposition to the House for consent. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent that there be now a call of States for the introduction of bills for reference, as on Monday. Is there objection?

Mr. BURROWS, of Michigan. There is so much public business awaiting our action that I think we ought to proceed to its consideration.

Mr. SINGLETON, of Illinois. I object.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Is it in order to move that there be a call of States for the introduction of bills?

The SPEAKER. The Chair has just submitted that to the House.

Mr. ANDERSON. That was for unanimous consent.

The SPEAKER. It would not be in order to submit a motion to that effect.

ARMY APPROPRIATION BILL.

Mr. BUTTERWORTH, from the Committee on Appropriations, reported a bill (H. R. 7077) making appropriations for the support of the Army for the year ending June 30, 1884, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RANDALL. I reserve all points of order on that bill.

The SPEAKER. They will be reserved.

Mr. BUTTERWORTH. I desire to give notice that I will call up the Army appropriation bill as soon as the Post-Office appropriation bill has been disposed of.

ORDER OF BUSINESS.

Mr. McCOID. I ask leave to introduce a bill for reference.

The SPEAKER. If the call for the regular order is insisted upon, the Chair can not recognize gentlemen for that purpose.

Mr. McCOID. I do not think it is insisted upon.

The SPEAKER. The call has not been withdrawn.

Mr. McCOID. I ask unanimous consent.

The SPEAKER. Objection to unanimous consent is made by the de-

mand for the regular order. The Chair will now submit to the House some personal requests of members.

LEAVE OF ABSENCE.

The Clerk read as follows:

Mr. DAVISON asks for leave of absence for two weeks, on account of important business.

Mr. ROBINSON, of Massachusetts. I did not hear the name of the gentleman for whom leave of absence was requested, and therefore I shall make objection to it without any reference to any person whatever. I think the action of the House yesterday indicated that these matters should be put to a vote of the House. I therefore shall ask that in all cases such requests be submitted to the House for its decision.

Mr. DAVIDSON. I desire to say that I am obliged to go home for the purpose of looking after business in which I am interested, as the representative of the estate of a deceased person—not as an attorney, but as executor and administrator. It is necessary that I should be home next week, before the 1st day of January, so that the interests of the estate shall be looked after; otherwise I would not ask for leave of absence.

Mr. ROBINSON, of Massachusetts. I wish to say for myself that I think the gentleman ought to have leave to go home. I think there should be a good reason given in every case; I am quite satisfied with his reason.

Mr. McLANE, of Maryland. I ask unanimous consent to reconsider the vote of yesterday in reference to an adjournment over the holidays.

Mr. ANDERSON. I object.

Mr. McLANE, of Maryland. I suppose myself to be in accord with the gentleman from Massachusetts [Mr. ROBINSON]. I ask unanimous consent to substitute for the application of the gentleman from Florida [Mr. DAVIDSON] the resolution which was rejected yesterday.

Mr. ANDERSON. I object to that.

The SPEAKER. That would not be germane. Is there objection to granting the leave asked by the gentleman from Florida?

Mr. ROBESON. As the author of the resolution adopted yesterday imposing a penalty for absence without valid excuse, I desire to say that that resolution was not intended by its mover to reach cases where there was valid excuse for absence. It is perfectly evident that gentlemen, anticipating the usual recess during the Christmas holidays, have taken charge of important business for that time. As we have decided not to have a recess, I am willing, wherever there is a valid reason which the gentleman states to the House, to deal with the application exactly as I would with any other measure. Therefore, under these circumstances I shall vote for the application of the gentleman on the other side.

Mr. TOWNSHEND, of Illinois. Provided he voted for the recess, I suppose.

Mr. McLANE, of Maryland. I do not withdraw my objection. I voted against the recess.

The question was taken upon granting leave of absence to Mr. DAVIDSON for two weeks, and it was agreed to.

The Clerk read as follows:

Mr. COX, of New York, asks leave of absence for one week, on account of the sickness of his wife.

The SPEAKER. The Chair desires to state in this connection that he is in receipt of a note from Mr. COX in which he states that he was obliged to go to New York this morning on account of the sickness of his wife, and asks leave of absence for one week.

There was no objection, and leave was granted accordingly.

The Clerk read as follows:

Mr. HARDENBERGH asks leave of absence, on account of important business, from December 22 to January 3.

The SPEAKER. Is there objection?

Several members objected.

Mr. PAGE. I call for the regular order.

Mr. HAZELTON. This is the regular order.

The SPEAKER. Personal requests of members are in order.

Mr. HARDENBERGH. Mr. Speaker, have I the floor?

The SPEAKER. Is there objection to granting the request of the gentleman from New Jersey? These questions are not debatable.

Mr. HARDENBERGH. I ask leave to submit a word of explanation. The gentleman from Florida [Mr. DAVIDSON] was allowed to do so, and I do not see why the same privilege should not be extended to me. My request is submitted for precisely the same reason as was that of the gentleman from Florida. Personally I do not wish to go, but my business affairs as executor and guardian require that I should do so. The matter is not within my own control, and therefore I ask the privilege of the House. If I had detained the House during the session by too much talk, I would not request this favor.

Mr. HAZELTON. I shall apply on the same ground; and I hope this request will be granted.

Mr. McLANE, of Maryland. I desire to ask the Chair whether I am not at liberty to move an amendment to any one of these requests after it is before the House?

The SPEAKER. The Chair does not think that it is a subject for amendment; it is a request of a member for a personal favor.

The question being taken on granting leave of absence to Mr. HADENBERGH as requested, it was agreed to; there being—ayes 112, noes 15.

The SPEAKER. The Chair submits another request—

Mr. McLANE, of Maryland. I rise to a question of privilege. I move the adoption of the following resolution—

The SPEAKER. The Chair desires to submit these personal requests, and thinks they are in order.

Mr. McLANE, of Maryland. I want to anticipate them; and I am quite sure that the resolution I propose to offer is of higher privilege than these requests of individual members.

Mr. TOWNSHEND, of Illinois. I rise to a parliamentary inquiry. I desire to know whether these requests ought not be granted by unanimous consent?

The SPEAKER. But where they are not granted by unanimous consent the Chair always submits the question to the House.

Mr. TOWNSHEND, of Illinois. Is it in order to submit such a matter as a motion?

The SPEAKER. The House has the right by a majority vote to grant requests of this kind. They are usually granted by unanimous consent; but when objection is made the Chair always submits them to the House. The Chair submits also the request which will be read.

The Clerk read as follows:

Mr. RICHARDSON, of South Carolina, asks leave of absence from and after Wednesday until the 5th of January, on account of important business.

The SPEAKER. Is there objection?

Mr. ROBESON. I object, in order that the nature of the business may be stated.

Mr. RICHARDSON, of South Carolina. The business upon which I desire to go home is a matter very similar to that presented in other cases. Business in which others are interested more than myself, and which can not be attended to in my absence, requires my presence at home. Anticipating that the usual recess would be taken for the holidays, I arranged to be at home at that time.

The SPEAKER. Is there objection to granting the leave requested by the gentleman from South Carolina?

Mr. WASHBURN. I move to amend so as to provide that leave of absence be granted to all members who have important business at home during the holidays.

The SPEAKER. The Chair thinks that an amendment to the pending request is not in order. If there be no objection the leave of absence asked for by the gentleman from South Carolina will be granted. [A pause.] The Chair hears no objection. The Chair submits another request.

The Clerk read as follows:

Mr. VALENTINE asks leave of absence, on important business, from to-morrow indefinitely.

The SPEAKER. Is there objection to granting this request?

Several members objected.

Mr. HAZELTON. Let us hear the reason for the request.

The question being put on granting leave of absence to Mr. VALENTINE as requested, there were—ayes 85, noes 32.

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

The yeas and nays were not ordered.

So the leave of absence requested for Mr. VALENTINE was granted.

The SPEAKER. The Chair also submits the personal request which will be read.

Mr. McLANE, of Maryland. May I now be indulged in submitting a resolution? I prefer that my resolution should be considered before any more of these requests are acted upon.

The SPEAKER. These are personal requests of members. The Chair thinks they can not be interrupted.

The Clerk read as follows:

Mr. DIBRELL asks indefinite leave of absence, on account of sickness in his family.

The SPEAKER. Is there objection to granting this request? [A pause.] The Chair hears none. The Chair submits another request.

The Clerk read as follows:

Mr. BLOUNT asks leave of absence for one week from Friday next, on important business.

The SPEAKER. Is there objection to granting this request?

Mr. BROWNE. I object. I desire to be indulged in making a single remark. It is evident that the House was not in earnest in its action of yesterday. I voted against the proposed recess in good faith, believing it possible for the House to meet during the holidays and do some public business. I am now satisfied that what was transacted yesterday was but low comedy and that the attempt to meet during the holidays will be but a farce. Therefore, instead of wasting the time of the House now in voting for and against leaves of absence we might as well do what the majority intended to do—agree upon a recess. [Cries of "That is right!"] I protest against this adjournment. But if gentlemen propose to vote against a recess and then run off leaving those who remain here incapable of doing any work, I am in favor of putting all members upon terms of equality.

Mr. HAZELTON. So am I.

Mr. BROWNE. If the dodgers ask to go, those who are disposed to work ought to be permitted to go.

Mr. BLOUNT. I simply desire to say, Mr. Speaker, that business of a peculiar character, of an unusual character, and of great importance, requires my being at home on the 25th of December. If the House sees fit to object to it, of course I must be content. I leave it entirely to the House, and only ask the same grace extended to other gentlemen.

Mr. REED demanded a division.

The House divided; and there were—ayes 102, noes 26.

Mr. BROWNE. No quorum has voted, and if gentlemen are in earnest we ought to have a quorum on this vote.

Mr. REED. I think we had better make it in earnest if we are not now in earnest; and I call for a vote.

The SPEAKER. The Chair appoints as tellers Mr. TURNER, of Georgia, and Mr. BROWNE.

Mr. REED. Nobody was engaged in a farce yesterday that I know of.

Mr. SINGLETON, of Illinois. I rise to a parliamentary inquiry, and that is whether under the rules fifteen members, including the Speaker, can not excuse a member, and whether a quorum is necessary?

The SPEAKER. If there were but fifteen members present and there was a call of the House those fifteen might excuse a member from attendance, but if there were more than fifteen it would require a majority of all who were present and voted.

Mr. SINGLETON, of Illinois. Certainly if fifteen members can excuse, one hundred ought to be able to do it.

The House again divided; and the tellers reported—ayes 127, noes 24.

So the motion was agreed to; and Mr. BLOUNT was granted leave of absence.

The SPEAKER. The Chair submits the following personal request.

The Clerk read as follows:

Mr. BRUMM asks indefinite leave of absence from to-morrow, on account of sickness.

The SPEAKER. Is there objection? The Chair hears none, and Mr. BRUMM is granted indefinite leave of absence.

Mr. ROBESON. I have a resolution for a recess which I desire to offer. I hope I will be indulged for a moment in a remark on that subject.

The SPEAKER. The Chair thinks these personal requests are first in order, and it submits an additional personal request.

The Clerk read as follows:

Mr. FISHER asks leave of absence for five days, to make lease of a coal mine which expires January 1. This lease must be effected to avoid throwing many men out of employment.

The SPEAKER. Is there objection to granting this request?

Mr. MOULTON. I object.

The House divided; and there were—ayes 92, noes 30.

Mr. BROWNE. No quorum.

Mr. REED. I call for the yeas and nays on the question.

Mr. BROWNE. I hope the House will allow the yeas and nays.

Mr. REED. I think we had better show who meant business yesterday and who shammed.

Mr. BROWNE. If every man is to be granted leave of absence on account of important business we will have nobody left. [Laughter, and cries of "That is so!"] Let us determine whether private business has the highest claims on a Representative or not.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 159, nays 59, not voting 71; as follows:

YEAS—159.

Armfield,	Dowd,	Jones, James K.	Scales,
Atherton,	Dunn,	Joyce,	Scoville,
Atkins,	Dunnell,	Ketcham,	Sherman,
Bayne,	Ellis,	Klotz,	Shelley,
Bingham,	Ermentrout,	Ladd,	Sherwin,
Bland,	Errett,	Latham,	Simonton,
Bliss,	Evins,	Lord,	Singleton, J. W.
Blount,	Farwell, Sewell S.	Martin,	Singleton, Otho R.
Briggs,	Forney,	Matson,	Smalls,
Brumm,	Fulkerson,	McCook,	Smith, Dietrich C.
Buchanan,	Garrison,	McKenzie,	Smith, J. Hyatt
Buck,	Geddes,	McKinley,	Spooner,
Burrows, Julius C.	George,	McLean, Jas. H.	Springer,
Burrows, Jos. H.	Gibson,	McMillin,	Stockslager,
Butterworth,	Godshalk,	Miles,	Strait,
Cabell,	Guenther,	Miller,	Talbott,
Caldwell,	Gunter,	Money,	Thompson, Wm. G.
Carlisle,	Hammond, John	Morrison,	Townsend, Amos
Carpenter,	Hammond, N. J.	Muldrow,	Townshend, R. W.
Cassidy,	Hardenbergh,	Murch,	Tucker,
Chace,	Hardy,	Mutchler,	Turner, Henry G.
Clardy,	Harmer,	Nolan,	Turner, Oscar
Clark,	Harris, Benj. W.	Oates,	Tyler,
Clements,	Harris, Henry S.	Parker,	Upson,
Cook,	Haseltine,	Paul,	Urner,
Covington,	Hatch,	Phister,	Valentine,
Cox, William R.	Hazelton,	Pound,	Vance,
Cravens,	Henderson,	Randall,	Van Aernam,
Culberson,	Herbert,	Ray,	Van Voorhis,
Curtin,	Hewitt, Abram S.	Reagan,	Wadsworth,
Cutts,	Hewitt, G. W.	Rice, John B.	Walker,
Darrall,	Hill,	Rich,	Ward,
Davidson,	Holman,	Richardson, D. P.	Weber,
Davis, George R.	Houck,	Richardson, J. S.	Wellborn,
Davis, Lowndes H.	House,	Ritchie,	Williams, Thomas
Dawes,	Hubbs,	Rosecrans,	Willits,
Deering,	Humphrey,	Ross,	Wood, Walter A.
De Motte,	Hutchins,	Russell,	Young.
Deuster,	Jadwin,		
Dezendorf,	Jones, George W.		

NAYS—59.

Aldrich,	Dingley,	McLane, Robt. M.	Robinson, Geo. D.
Anderson,	Farwell, Chas. B.	Mills,	Ryan,
Beach,	Ford,	Moore,	Shallenberger,
Beltzhoover,	Haskell,	Morey,	Smith, A. Herr
Berry,	Hepburn,	Moulton,	Steele,
Bisbee,	Jones, Phineas	Norcross,	Taylor,
Blanchard,	Kasson,	Payson,	Thomas,
Brewer,	Kelley,	Peelle,	Updegraff,
Brown,	Lacey,	Peirce,	Van Horn,
Buckner,	Le Fevre,	Pettibone,	Wait,
Calkins,	Lewis,	Raney,	Washburn,
Cannon,	Lindsey,	Reed,	White,
Caswell,	Lynch,	Rice, Theron M.	Williams, Chas. G.
Cobb,	Marsh,	Rice, William W.	Wise, George D.
Cullen,	McCold,	Robeson,	

NOT VOTING—71.

Aiken,	Crowley,	Jacobs,	Robinson, James S.
Barbour,	Dibrell,	Jorgensen,	Robinson, Wm. E.
Barr,	Dugro,	Kenna,	Shackelford,
Belford,	Dwight,	King,	Shultz,
Belmont,	Fisher,	Knott,	Skinner,
Black,	Flower,	Leedom,	Sparks,
Blackburn,	Frost,	Mackey,	Spaulding,
Bowman,	Grout,	Manning,	Speer,
Bragg,	Hall,	Mason,	Stone,
Camp,	Heilman,	McClure,	Thompson, P. B.
Campbell,	Herndon,	Morse,	Watson,
Candler,	Hiscock,	Mosgrove,	West,
Chapman,	Hitt,	Neal,	Whithorne,
Colerick,	Hoblitzell,	Pacheco,	Willis,
Converse,	Hoge,	Page,	Wilson,
Cornell,	Hooker,	Phelps,	Wise, Morgan R.
Cox, Samuel S.	Horr,	Prescott,	Wood, Benjamin.
Crapo,	Hubbell,	Robertson,	

So the motion for leave of absence was granted.
The following pairs were announced:

Mr. GROUT with Mr. BELMONT.

Mr. AIKEN with Mr. CAMP.

Mr. WATSON with Mr. COLEBICK.

Mr. CORNELL with Mr. BLACK.

Mr. SKINNER with Mr. DUGRO.

Mr. MASON with Mr. WHITTHORNE.

Mr. CANDLER with Mr. SPARKS.

Mr. DWIGHT with Mr. FLOWER.

Mr. HEILMAN with Mr. BENJAMIN WOOD.

Mr. WEST with Mr. DIBRELL.

Mr. ROBINSON, of Ohio, with Mr. LEEDOM.

Mr. SHULTZ with Mr. CONVERSE.

Mr. HITT with Mr. HARDY, on political questions.

Mr. SPAULDING with Mr. JONES of Arkansas.

Mr. HALL with Mr. WISE of Pennsylvania.

On motion of Mr. McLANE, of Maryland, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. BURROWS, of Michigan. I demand the regular order.

The SPEAKER. The regular order is being proceeded with.

Mr. ROBESON. I rise to a parliamentary inquiry.

Mr. McLANE, of Maryland. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. McLANE, of Maryland. I submit to the Chair the point of order that a motion to adjourn for a longer or shorter time, whether it be within the time that this House can act independently or whether it requires the joint action of the House and Senate, is a privileged motion and takes precedence of the practice of the House. The point I submit, therefore, is that this submission of requests of members to be excused from attendance is a mere practice of the House. It has no higher sanction than the practice of the House. It has not even the sanction of the rules of the House, whereas a motion to adjourn, whether for three or for ten days, is a question of constitutional privilege. The only difference between a motion to adjourn for three days or for ten days is that the latter motion requires the joint action of the two Houses, and, like the first, has always been held to be privileged; they are both constitutional motions. I submit to the Chair, if the Chair will indulge me a moment, that they have higher dignity and privilege than anything in the mere practice of the House. I will ask the Chair, then, to permit me to show where a contrary practice would lead us. If this practice of the House should be construed as overruling the rules or the constitutional privilege of the House, then one man after another may rise in his place and ask to be excused until every member of this House has gone off on an excuse or until we shall be left without a quorum, and we will be presented to the country in an attitude worse than ridiculous. I submit, in view of the absurdity of the position where such practice would lead us, it ought not to be tolerated as against the constitutional motion to take a recess or adjourn.

I understand very well that there has been a different practice, but the point has never yet been made to my knowledge in connection with these personal requests, but I now make it for the protection of the Chair himself. I understand very well that the Chair naturally feels a delicacy about refusing to submit these requests of members, and the Chair has been very indulgent to members, never refusing to submit such requests; but it rests with the House to relieve the Chair from

any such perplexity and restore the normal condition of things as they should exist, and as they do exist under the established precedents which determine questions of privilege. I submit, therefore, that a motion to take a recess will be in order and take precedence of these requests.

Mr. ROBESON. Has my friend from Maryland a resolution he proposes to submit?

Mr. McLANE, of Maryland. If the Chair will be good enough to give me a ruling upon the point I have raised I shall submit such a motion myself, or yield to my honorable friend from New Jersey [Mr. ROBESON], who informs me he will himself make such a motion.

The SPEAKER. The Chair thinks that a motion to adjourn would take precedence of any business of this kind.

Mr. McLANE, of Maryland. So I understand.

The SPEAKER. A motion to take a recess beyond three days, however, to take effect at a future time, would not affect the present rights of members to have their requests submitted to the House in the same sense that an application of this kind would. If this House should pass a joint resolution to take a recess over the period covered by the usual holidays it would not determine anything until the Senate had also acted upon the question. But if no member present insists upon having his application or request presented to the House at this time as against the motion that is desired to be made by the gentleman from Maryland or the gentleman from New Jersey, the Chair will entertain that motion. The Chair would suggest merely, however, that possibly this is a matter as much in the control of the individual member himself as to the time when his personal request shall be submitted to the House as it is within the power of the Chair.

Mr. McLANE, of Maryland. I hope, then, that no gentleman contemplating making this request will insist upon submitting it until after this motion has been presented to the House.

Mr. PEELLE. Do I understand the ruling of the Chair to be that a request of an individual member of the House is paramount to the action of the House upon a matter of this kind?

The SPEAKER. The Chair did not pass upon such a question. It was not presented.

Mr. PEELLE. I understood the Chair to hold that he would entertain the request of members in preference.

The SPEAKER. The Chair only spoke with reference to what had been the practice, but does not rule upon the question. Members can determine for themselves when they will submit their requests.

Mr. HOUSE. I suppose every member will agree to withhold his request until action is taken upon the resolution suggested by the gentleman from Maryland.

Mr. PHISTER. I have a request which I believe comes next, but withhold it for the present.

Mr. McLANE, of Maryland. No member insists upon having his request presented at this time; the next one in order withdraws his for the present.

Mr. HAMMOND, of Georgia. I understand that there are fifty applications on the table.

The SPEAKER. Not fifty, but fifteen.

Mr. ROBESON. I offer the resolution which I will send to the Clerk's desk, for the following reason—

Mr. BROWNE. I desire to raise the question of order on the resolution before it is discussed.

The SPEAKER. The Clerk will read the resolution.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday the 22d instant they stand adjourned until Tuesday, January 2, 1883, at 12 m.

Mr. ROBESON. The point, Mr. Speaker—

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

Mr. ROBESON. I have not yielded the floor.

Mr. BROWNE. I want to make the point of order on the resolution before it is discussed.

The SPEAKER. The gentleman will state his point of order.

Mr. BROWNE. I want to know whether it is in order now to consider this resolution over an objection?

The SPEAKER. The Chair thinks it is.

Mr. ROBESON. I offer this resolution and I shall vote against it myself.

Mr. RANDALL. Call the previous question.

Mr. ROBESON. In order to give the House a chance—

Mr. REED. Before this matter is discussed I should like to have the question of order settled. Should not this resolution be referred to a committee?

The SPEAKER. It might be referred to a committee.

Mr. REED. Can it be considered in the House without unanimous consent?

The SPEAKER. The Chair did not understand that any member objected.

Mr. REED. I object. I want the ruling of the Speaker, and I will be perfectly content with it. If I have the right to object, I will object. If not, I will keep silent.

Mr. CALKINS. I understood that was the very point put by my colleague [Mr. BROWNE], whether such a resolution could now be considered under the rules of the House without unanimous consent.

Mr. ROBESON. I desire, then, Mr. Speaker, to speak to the point of order.

The SPEAKER. The Chair thinks the resolution is in order. The Chair holds it is in order according to the practice, for the reason that it relates to a recess of the House; and a motion for a recess is in order specially under paragraph 5 of Rule XVI.

Mr. CALKINS. But that rule refers to a recess this House may take.

The SPEAKER. This resolution relates to a recess of this House also.

Mr. CALKINS. But, if the Speaker will allow me, the rule relates to a recess which this House may take of itself and when its action is complete, and does not relate to a recess which must be taken by and with the concurrence of the Senate.

The SPEAKER. The Chair will be obliged to the gentleman from Indiana if he will call the attention of the Chair to the rule which limits it in that way.

Mr. CALKINS. The rule itself does so.

Mr. REED. What is the rule on which the Chair relies?

The SPEAKER. The Chair referred to Rule XVI, paragraph 5. But there are other rules and precedents which relate to this matter.

Mr. CALKINS. That rule refers to an adjournment or a recess which, in the connection in which it is used, means the ordinary adjournment or the ordinary recess which the House may take of its own motion; and if there is any other recess named in the rules I do not now recollect it. The recess, and the only recess provided for, is the recess the rule declares shall be in order, and means the ordinary recess, the ordinary adjournment this House may take from day to day without the concurrence of the Senate.

Mr. REED. To enforce what has been said by the gentleman from Indiana, I call the attention of the Chair to the wording of the clause of the rule to which the Chair has referred. It reads:

A motion to fix the day to which the House shall adjourn, a motion to adjourn, and to take a recess shall always be in order, and the hour at which the House adjourn shall be entered on the Journal.

It refers and refers only to the separate action of the House.

The SPEAKER. The Chair does not agree with the gentleman from Maine, but insists upon holding that in accordance with frequent rulings such a resolution as this, which relates to a recess of the House, is a privileged matter. The House is now only taking separate action. As long ago at least as the Thirty-seventh Congress it was held that—

A resolution proposing, with the concurrence of the Senate, an adjournment for more than three days is privileged.

There are other precedents to the same effect, and they are sound on principle. The Chair holds the resolution to be privileged.

Mr. ROBESON. I have offered the resolution which has been read by the Clerk for this reason: Yesterday a resolution, similar in effect, was before this House and was voted down by a yea-and-nay vote, putting upon the records of Congress a solemn declaration of the members then here present that they desired to continue in session during the Christmas holidays. In order to emphasize and enforce that resolution, and for the purpose of signifying to the country and its members that we were in earnest, I offered a resolution, which was also carried by a majority of this House on a yea-and-nay vote, fixing a penalty for the absence of those who wantonly disobey the declared wish of the House.

This morning we find that in despite of that action for some reason or other the disposition of the House is to grant leaves of absence to all who may apply for them. The result will be, if the status of the House declared by its action yesterday remains and its disposition as evinced this morning is carried out, we will have the form of a session and none of its substance; that business of the committees, which in recess could go on with those who mean to stay here and work, would be interrupted for the form of a session where no quorum was present and no business would be transacted.

Now, I have spoken plainly upon this subject, for what I say every man in this House knows to be true. Therefore, I bring this proposition before the House to-day in a form which will give the members of the House a chance, if they have changed their minds since yesterday, to reconsider their action. For myself I have not changed my mind, and while I propose the resolution in good faith in order that we may take formal action upon the subject; while I propose this resolution for the purpose of giving the House an opportunity of putting itself on fair ground, without feeling itself bound in any way; while I desire, if on a night's reflection members have found that they did not mean in good faith to carry out their action on yesterday, they will now have a chance to review that action, I shall myself vote against the resolution.

Mr. RANDALL. Will the gentleman allow me to make a suggestion?

Mr. ROBESON. Certainly.

Mr. RANDALL. It is that he call the previous question on this res-

olution. I think the House and every member of it is fully advised and we all know how to vote. I therefore suggest that the gentleman call the previous question. [Applause, and cries of "Vote!" "Vote!"]

Mr. ROBESON. I now call the previous question.

The SPEAKER. The question is upon ordering the previous question upon the pending resolution.

Mr. REED. It does not seem quite right to have the previous question called now.

Mr. CALKINS. There ought to be some debate. If the gentleman from New Jersey [Mr. ROBESON] will yield without calling the previous question—

Many MEMBERS. Regular order.

The SPEAKER. The previous question has been demanded.

Mr. ROBESON. I will not shut out all opposition. I will withdraw the call for the previous question for the purpose of allowing the gentleman from Maine [Mr. REED] to be heard, reserving the right to the floor.

Mr. REED. All I want to say is just one word.

The SPEAKER. The Chair will state that all these matters relating to a recess can be debated only by unanimous consent.

Many MEMBERS. Regular order.

Mr. RANDALL. I object to withdrawing the call for the previous question.

The SPEAKER. The gentleman from New Jersey [Mr. ROBESON] has a right to withdraw the call absolutely.

Mr. ROBESON. I withdraw it.

Mr. REED. All I wish to say is this: The House decided yesterday, after full discussion, what it would do upon this subject. The only thing which has since occurred has been granting leave of absence to nine members out of two hundred and ninety members of this House.

A MEMBER. Some of them on account of sickness.

Mr. REED. Yes; some on account of sickness.

A MEMBER. And there are fifteen more to come.

Mr. REED. All that we have any information of as being "in sight," as we say about ore in mines, is fifteen more. Now, I see no occasion for any stampede. I think this House meant what it did when it acted yesterday. I think it owes it to its dignity and its desire to win the respect of the people to stand by its action of yesterday, and to stand by it in so decisive a manner that no frivolous request to be excused will be tendered by any member who respects himself. [Applause.]

Mr. KASSON. That is so.

Mr. ROBESON. I agree entirely with what the gentleman from Maine [Mr. REED] has said. While I offered the resolution, I shall vote against it myself. I now renew the demand for the previous question.

Mr. HUMPHREY. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. HUMPHREY. I desire to inquire how much of the \$75,000 spoken of yesterday by the gentleman from New York [Mr. BEACH] is chargeable to yesterday's and to-day's work?

The SPEAKER. Debate is not in order.

Mr. CANNON. Mr. Speaker—

The SPEAKER. The Chair can not recognize the gentleman for debate.

Mr. CANNON. I have a right to be recognized.

The SPEAKER. Does the gentleman rise to a parliamentary inquiry?

Mr. CANNON. I do.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Is it not in order, the gentleman from New Jersey [Mr. ROBESON] and the gentleman from Maine [Mr. REED] both having been heard upon this question, that a minute or two shall be given to the other side? I ask unanimous consent to be allowed to speak for a minute or two on this proposition.

The SPEAKER. Is there objection to hearing the gentleman from Illinois?

Mr. ROBESON. If the gentleman from Illinois will call the previous question at the conclusion of his remarks, I will withdraw it.

The SPEAKER. The Chair hears no objection.

Mr. CANNON. I only want to say that I shall vote for this resolution, as I voted for a similar resolution yesterday. I want to say what the majority, in fact what all the members of this House know, that if the House adheres to its action of yesterday we will waste to-day and to-morrow and the next day, without the passage of the Post-Office appropriation bill or the Army appropriation bill. And then we will waste our time from day to day by such action all during the holidays. I believe, therefore, it is our duty to adopt this resolution and go to business during the balance of the session before the adjournment for the holidays. [Applause.]

Several MEMBERS. Regular order!

Mr. CANNON. I now call the previous question.

The previous question was ordered.

Mr. REED. We may as well have the yeas and nays at once upon agreeing to this resolution. I call for them.

The yeas and nays were ordered.

The question was taken; and there were—yeas 127, nays 101, not voting 61; as follows:

YEAS—127.

Armfield,	Ermentrout,	Manning,	Scales,
Atherton,	Fevre,	Martin,	Scoville,
Atkins,	Fisher,	Matson,	Shelley,
Barr,	Forney,	McCook,	Singleton, Otho R.
Blount,	Fulkerson,	McLane, Robert M.	Smith, Dietrich C.
Bowman,	Garrison,	McLean, James H.	Smalls,
Brumm,	Geddes,	McMillin,	Spooner,
Buchanan,	Gibson,	Miles,	Springer,
Butterworth,	Godshalk,	Mills,	Strait,
Cabell,	Guenther,	Money,	Talbot,
Cannon,	Hammond, N. J.	Morrison,	Townshend, R. W.
Carlisle,	Hardenbergh,	Morse,	Turner, Henry G.
Cassidy,	Hardy,	Moulton,	Tyler,
Caswell,	Harris, Benj. W.	Muldrow,	Urner,
Chace,	Hazelton,	Murch,	Valentine,
Clardy,	Henderson,	Matchler,	Vance,
Clark,	Herbert,	Nolan,	Van Aernam,
Clements,	Hewitt, Abram S.	Oates,	Van Voorhis,
Cook,	Hewitt, G. W.	Page,	Wadsworth,
Covington,	Hoge,	Parker,	Walker,
Crowley,	House,	Paul,	Ward,
Curtin,	Hubbell,	Phister,	Washburn,
Cutts,	Humphrey,	Pound,	Webber,
Darnall,	Hutchins,	Reagan,	Wellborn,
Davidson,	Jadwin,	Reese,	Williams, Chas. G.
Dawes,	Jones, George W.	Rice, John B.	Willis,
De Motte,	Jones, James K.	Richardson, D. P.	Willits,
Dezendorf,	Kenna,	Richardson, J. S.	Wilson,
Dowd,	Ketcham,	Ritchie,	Wise, George D.
Dunn,	Knott,	Rosecrans,	Wood, Walter A.
Dunnell,	Ladd,	Ross,	Young.
Ellis,	Le Fevre,	Russell,	

NAYS—101.

Aldrich,	Deering,	Lord,	Ryan,
Anderson,	Deuster,	Lynch,	Scranton,
Bayne,	Dingley,	Mackey,	Shallenberger,
Beach,	Farwell, Sewell S.	Marsh,	Simonton,
Beltzhoover,	Farwell, Chas. B.	McClure,	Singleton, Jas. W.
Berry,	Gunter,	McCoid,	Smith, A. Herr
Bingham,	Hammond, John	McKenzie,	Smith, J. Hyatt
Bisbee,	Harmer,	McKinley,	Speer,
Bland,	Harris, Henry S.	Miller,	Stockslager,
Bliss,	Hasettine,	Moore,	Stone,
Brewer,	Haskell,	Morey,	Taylor,
Briggs,	Hatch,	Neal,	Thomas,
Browne,	Hepburn,	Norcross,	Thompson, Wm. G.
Buck,	Hill,	O'Neill,	Townsend, Amos
Buckner,	Hiscock,	Payson,	Turner, Oscar
Burrows, Julius C.	Holman,	Peelle,	Updegraff,
Burrows, Jos. H.	Houk,	Peirce,	Upson,
Caldwell,	Jacobs,	Pettibone,	Van Horn,
Calkins,	Jones, Phineas	Randall,	Wait,
Carpenter,	Joyce,	Reaney,	Warner,
Cobb,	Kasson,	Reed,	White,
Cravens,	Klotz,	Rice, Theron M.	Whitthorne,
Culberson,	Lacey,	Rice, Wm. W.	Williams, Thomas.
Cullen,	Latham,	Rich,	
Davis, George R.	Lewis,	Robeson,	
Davis, Lowndes H. Lindsey,	Lindsey,	Robinson, Geo. D.	

NOT VOTING—61.

Aiken,	Cox, William R.	Hooker,	Shackelford,
Barbour,	Crapo,	Horr,	Sherwin,
Belford,	Dibrell,	Hubbs,	Shultz,
Belmont,	Dugro,	Jorgensen,	Skinner,
Black,	Dwight,	Kelley,	Sparks,
Blackburn,	Errett,	King,	Spaulding,
Blanchard,	Flower,	Leedom,	Steele,
Bragg,	Ford,	Mason,	Thompson, P. B.
Camp,	Frost,	Mosgrove,	Tucker,
Campbell,	George,	Pacheco,	Watson,
Candler,	Grout,	Phelps,	West,
Chapman,	Hall,	Prescott,	Wise, Morgan R.
Colerick,	Heilman,	Ray,	Wood, Benjamin
Converse,	Herndon,	Robertson,	
Cornell,	Hitt,	Robinson, Jas. S.	
Cox, Samuel S.	Hoblitzell,	Robinson, Wm. E.	

So the resolution was agreed to.

The following additional pair was announced:

Mr. AIKEN with Mr. RAY.

The result of the vote was announced as before stated.

Mr. ROBESON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its Clerks, announced that the Senate had passed without amendment the bill (H. R. 6187) to amend the act entitled "An act to repeal the discriminating duties on goods produced east of the Cape of Good Hope," approved May 4, 1882.

PAY OF HOUSE EMPLOYÉS.

Mr. HAMMOND, of Georgia. I rise to a matter which I suppose to be personal. When I objected this morning to the resolution of the gentleman from Indiana [Mr. CALKINS] in regard to paying in advance the monthly wages of employés of the House for December, I did so with a full knowledge that I could withdraw the objection during the day. I thought it proper that before adopting such a resolution it should be ascertained whether we intended ourselves to be here during

the holidays. Having ascertained that we shall not be, I desire to withdraw my objection.

Mr. CALKINS. The objection being withdrawn, I now submit the resolution again.

The SPEAKER. The gentleman from Indiana asks unanimous consent to introduce for present consideration the resolution which will be read.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby authorized and instructed to pay the officers and employés of the House their respective salaries for the month of December, 1882, on the 20th day of said month, or as soon thereafter as practicable.

There being no objection, the resolution was considered and adopted.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PHISTER. As I do not know what may be the action of the Senate on the resolution of the House for a recess, and as it is important for me to go home, I ask the Chair to submit my request for leave of absence.

The SPEAKER. The gentleman from Kentucky [Mr. PHISTER] submits the personal request which the Clerk will read.

Mr. CALKINS. Allow me to suggest that in view of the action of the House there will now be no objection, of course, to these personal requests. Let them go over till evening, and let us now go on with the public business.

Mr. CASWELL. I move that the morning hour for the call of committees be dispensed with.

Mr. WILLIAMS, of Wisconsin. If the gentleman will allow me a moment, I desire to report from the Committee on Foreign Affairs, for immediate action, a joint resolution to which there will be no objection and which it is important should be passed by both Houses before the 1st of January next.

The SPEAKER. Does the gentleman from Wisconsin [Mr. CASWELL] withhold his motion for the present?

Mr. CASWELL. Yes, sir.

ADMINISTRATION OF JUSTICE IN TUNIS.

Mr. WILLIAMS, of Wisconsin, by unanimous consent, reported from the Committee on Foreign Affairs a joint resolution (H. Res. 303) respecting the administration of justice in Tunis; which was read a first and second time.

Mr. WILLIAMS, of Wisconsin. I ask the immediate consideration of this resolution.

There being no objection, the House proceeded to the consideration of the joint resolution; which was read as follows:

Whereas the Government of France proposes to establish in Tunis a judicial system common among Christian nations, so that the courts in that country shall be fully open for the protection of citizens of the United States in their personal property and rights: Therefore,

Be it resolved by the Senate and House of Representatives, &c., That when the President of the United States shall be satisfied that a system for the administration of justice shall be established in Tunis by the Government of France in accordance with the usage of civilized and Christian nations, under which all rights of person and property of the citizens of the United States may be fully and permanently protected, he shall be, and is hereby, authorized by proclamation to declare that the right on the part of the United States and its citizens to claim extraterritorial jurisdiction within said territory of Tunis, as secured by existing treaties and laws, has ceased and will no longer be claimed or exercised.

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

Mr. WILLIAMS, of Wisconsin, 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.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, I ask permission to have printed in the RECORD, so they may go to the Senate with the joint resolution, the letters of the Secretary of State and the minister of France.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

The papers are as follows:

DEPARTMENT OF STATE, Washington, December 6, 1882.

SIR: I have the honor to lay before your committee a note lately received from the French minister at this capital, announcing the intention of the government of that republic to extend to the territory of the Bey of Tunis the judicial tribunals and procedure of France, and asking that this Government renounce, in favor of such French tribunals and procedure, any rights it may have had, or might still claim, to exercise consular extraterritorial jurisdiction, in virtue of treaty stipulations with Tunis or the usage of non-Christian countries.

As the statutes (Revised Statutes, section 4127) expressly mention Tunis as a country to which such extraterritorial jurisdiction extends, it seems proper that Congress should take cognizance of the matter and, by appropriate legislation, enable the cessation of a mode of procedure the exercise of which is no longer required.

This may be done by authorizing the President to issue a proclamation to the desired end, or by amending section 4127 of the Revised Statutes so as to strike out the word "Tunis."

As the French judicial system becomes operative in Tunis on the 1st of January next, the prompt action of Congress in the matter seems desirable. Meanwhile,

I may remark, no case of conflict as to jurisdiction is likely to arise, as the consulate of the United States at Tunis has been closed through the omission of the usual appropriation for its support from the current act.

I have the honor to be, sir, your obedient servant,
FRED'K T. FRELINGHUYSEN.

Hon. C. G. WILLIAMS,
Chairman Committee on Foreign Affairs.

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, November 20, 1882.

MR. SECRETARY OF STATE: Since the treaty of Bordo placed Tunis under the protectorate of France the government of the republic has given its attention to introducing in the states of the Bey administrative institutions which may assure to that country and its inhabitants the advantages of civilization. Among the most original reforms in order to attain this end is the reorganization of justice. It becomes necessary to create in Tunis French tribunals, following the model of those in France, and administrative justice conformable to French laws. This new procedure, which will go into operation from the 1st of January next, will, therefore, present the same guarantees of impartiality and of good justice as the tribunals of the mother country and of Algiers. It is, however, important to the end that it may yield all its advantages that the strangers established in the colony should not invoke, in order to withdraw themselves from French jurisdiction, the privileges and usages which exist in Mussulman countries in favor of Christians. It will be necessary to that end for the foreign powers to renounce any claim on behalf of their citizens and subjects to the benefits of consular jurisdiction, to which jurisdiction they are at present submitted.

In acquainting you with this situation of affairs I should add that my government would be happy if the Cabinet at Washington would kindly lend its aid to facilitate by making such a renunciation the operation of courts which will assure besides to the citizens of the United States an administration of justice sufferable from many points of view to that which they have hitherto found at Tunis.

Several powers have already shown themselves disposed to renounce the benefits of consular jurisdiction in behalf of their citizens and subjects from the day when we shall offer them in the states of the Bey the guarantees of French justice.

It is, moreover, only the application of a practice constantly followed whenever territories where consular jurisdiction was formerly in effect have passed under the suzerainty of a Christian state, and the Government of the United States will, I hope, kindly take into account the considerations which I have had the honor to set forth to you by adopting, with regard to Tunis, the practice already established there by several precedents in other countries.

Be pleased to accept, Mr. Secretary of State, the assurances of my very high consideration.

TH. DE ROUSTAN.

Hon. FREDERICK T. FRELINGHUYSEN, &c., &c., &c.,
Washington, D. C.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

The message announced that the President had approved and signed, on the 18th instant, an act (H. R. 1957) for the relief of William Wallace Screws.

TOBACCO TAX.

MR. BUCK. I ask to have printed in the RECORD the body of a petition in relation to the tobacco tax, without the names.

THE SPEAKER. The Chair hears no objection, and it is ordered accordingly.

The petition is as follows:

*To the Senate and House of Representatives of the
United States of America in Congress assembled:*

The undersigned, your petitioners, citizens of and tobacco growers in the town of Suffield, State of Connecticut, respectfully represent:

That the tobacco interest of this country is fast being ruined through the importation of a foreign tobacco which is known as Sumatra tobacco. Sumatra tobacco is grown upon the island of Sumatra, in the East Indies, under the direction of a Dutch syndicate, whose headquarters are at Amsterdam, Holland. Cooly labor is employed to cultivate the tobacco, and the cost of its production is nominally small. The Sumatra tobacco, while lacking quality, is of handsome appearance, and merely as regards appearance has been found to be admirably adapted for the wrapping of cigars. Its importation into this country was especially noticeable in August, 1882, when the quantity brought into the port of New York alone amounted to 197,656 pounds, against 147,224 pounds in July, and 179,602 pounds during the whole year ending June 30, 1880, showing an alarming rate of increase. As the Sumatra tobacco leaf is exceedingly uniform and clear, regular in color and free from large stems, it can be worked very advantageously, and it is demonstrable that one pound of it will go at least as far for the purpose of wrapping cigars as three pounds of domestic seedleaf. In some cases it is equal to four pounds of the latter. The quantity imported into New York, therefore, during last August means the displacement in the tobacco market of three to four times that quantity of domestic leaf-tobacco.

The Government now imposes a specific duty of 35 cents a pound, and 10 per cent. ad valorem under the law which fixes that additional rate upon commodities brought from east of the Cape of Good Hope, but which law ceases in January, 1883. After next January the sole import duty upon Samatra tobacco will be 35 cents per pound. Your petitioners aver that this amount of duty is not sufficient to protect their interests. Already the farmers and growers of tobacco have great difficulty in marketing their crops, being undersold and crowded out by the cheaper Sumatra leaf. The importation of the Sumatra tobacco is enormously increasing every month. The American growers of tobacco feel that they should be placed upon an equal footing with their foreign competitor, which does not obtain in the present rate of import duty. They therefore petition your honorable body to so increase the import duty that the tariff shall be prohibitive, or at least restrictive, and suggest that the increase shall be fixed at not less than \$1 per pound upon all tobaccos grown on other than North American soil.

CHARLOTTE M'DOUGAL.

MR. BERRY, by unanimous consent, introduced a bill (H. R. 7078) for the relief of Charlotte McDougal; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LAND CLAIM, NEW MEXICO.

MR. HAZELTON, by unanimous consent, from the Committee on Private Land Claims, reported a bill (H. R. 7079) to confirm a certain private land claim in the Territory of New Mexico; which was read a first

and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES W. SCHAUMBURG.

MR. O'NEILL, by unanimous consent, introduced a bill (H. R. 7080) for the relief of James W. Schauburg; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. G. FELL AND OTHERS.

MR. O'NEILL also, by unanimous consent, introduced a bill (H. R. 7081) for the relief of J. G. Fell, Edward Hoopes, and George Burnham, trustees of the Walnut Grove Gold Mining Company; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

EDMON COOPER.

MR. WARNER, by unanimous consent, introduced a bill (H. R. 7082) for the relief of Edmon Cooper; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEAVENWORTH, PAWNEE AND WESTERN RAILROAD COMPANY.

MR. ANDERSON, by unanimous consent, presented a resolution of inquiry requesting information from the Secretary of the Interior respecting the withdrawal of lands in favor of the Leavenworth, Pawnee and Western Railroad Company; which was referred to the Committee on the Judiciary.

SOLDIERS OF INDIAN WARS.

MR. TOWNSHEND, of Illinois, by unanimous consent, introduced a bill (H. R. 7083) amending the laws granting pensions to soldiers and sailors of the war of 1812, &c., so as to grant pensions to the soldiers of previous wars, and their widows; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

INTERFERENCE OF FEDERAL OFFICE-HOLDERS.

MR. DEZENDORF, by unanimous consent, introduced a bill (H. R. 7084) to reform the civil service of the United States and to prevent Federal office-holders from interfering with the freedom of elections; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

ADULTERATED TEAS.

MR. HARDENBERGH, by unanimous consent, introduced a bill (H. R. 7085) to prevent the importation of adulterated teas; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE FOSTER.

MR. SMALLS. I ask, by unanimous consent, that the bill (S. 2080) granting a pension to George Foster be taken from the Speaker's table for present consideration.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Foster, late a private in Company C, Tenth United States Cavalry.

MR. BURROWS, of Michigan. Has that bill been considered by any committee of this House?

MR. SMALLS. It was not. It is a bill which came from the Senate previous to the adjournment of the House, and as it is for the relief of a soldier who has lost both legs I hope there will be no objection to it.

MR. BURROWS, of Michigan. I will not object if the committee does not.

There was no objection; and the bill was taken up, read a first and second time, ordered to a third reading, and accordingly read the third time, and passed.

MR. SMALLS 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.

WILLIAM F. RICE.

MR. MORSE, by unanimous consent, introduced a bill (H. R. 7086) for the relief of William F. Rice; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MELISSA G. POLAR.

MR. URNER, by unanimous consent, introduced a bill (H. R. 7087) for the relief of Melissa G. Polar; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

RANK OF CERTAIN NAVAL OFFICERS.

MR. TALBOTT, by unanimous consent, introduced a bill (H. R. 7088) to adjust the rank of certain officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PRE-EMPTION AND HOMESTEAD LAWS.

MR. STRAIT, by unanimous consent, from the Committee on the

Public Lands, reported back with amendments the bill (H. R. 4993) to repeal the laws allowing pre-emption of public lands and amending the homestead law; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CONTINENTAL AND OTHER NEW YORK INSURANCE COMPANIES.

Mr. HUTCHINS, by unanimous consent, introduced a bill (H. R. 7089) for the relief of the Continental Fire Insurance Company, Eagle Fire Insurance Company, City Fire Insurance Company, and Commercial Mutual Insurance Company, all of New York city; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES C. O'NEILL.

Mr. KELLEY, by unanimous consent, introduced a bill (H. R. 7090) granting an increase of pension to Charles C. O'Neill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CRAFTS J. WRIGHT.

Mr. ROSECRANS, by unanimous consent, introduced a bill (H. R. 7091) for the relief of Crafts J. Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY J. HUNT.

Mr. ROSECRANS also, by unanimous consent, introduced a bill (H. R. 7092) to authorize the retirement of Colonel Henry J. Hunt, Fifth United States Artillery, with the rank and pay of a brigadier-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAROLINE M. M'DOUGAL.

Mr. ROSECRANS also, by unanimous consent, introduced a bill (H. R. 7093) granting a pension to Caroline M. McDougal; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FRAUDS ON CUSTOMS REVENUE.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. 7094) to prevent frauds on the customs revenue; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HEIRS OF COUNT PULASKI.

Mr. CURTIN, by unanimous consent, introduced a bill (H. R. 7095) for the relief of the heirs of General Count Casimer Pulaski; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM ROSS BROWNE.

Mr. HARRIS, of Massachusetts (by request), by unanimous consent, introduced a bill (H. R. 7096) for the relief of William Ross Browne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH W. DOBBS AND OTHERS.

Mr. OURY, by unanimous consent, introduced a bill (H. R. 7097) for the relief of Elijah W. Dobbs, Mariano G. Samaniego, and H. C. Hooker; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HENRY C. FRAZIER.

Mr. OURY also, by unanimous consent, introduced a bill (H. R. 7098) for the relief of Henry C. Frazier; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT TO THE PENSION LAWS.

Mr. JOYCE, by unanimous consent, introduced a bill (H. R. 7099) to amend the pension laws, and for other purposes; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

PHILEMON B. PURVIS.

Mr. BEACH, by unanimous consent, introduced a bill (H. R. 7100) granting a pension to Philemon B. Purvis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RAILWAY POSTAL CLERKS.

Mr. BINGHAM (by request), by unanimous consent, introduced a bill (H. R. 7101) to provide for the appointment of railway postal clerks, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BIGAMY, POLYGAMY, ETC.

Mr. CASSIDY, by unanimous consent, introduced a bill (H. R. 7102) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882; which was read a first and second

time, referred to the Committee on the Judiciary, and ordered to be printed.

BEAUFORT C. LEE.

Mr. WARD, by unanimous consent, introduced a bill (H. R. 7103) for the relief of Beaufort C. Lee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE FLINN.

Mr. LADD, by unanimous consent, introduced a bill (H. R. 7104) granting a pension to George Flinn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADELBERT L. NICHOLS.

Mr. LACEY, by unanimous consent, introduced a bill (H. R. 7105) for the relief of Adelbert L. Nichols; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

R. D. HAY.

Mr. SCALES, by unanimous consent, introduced a bill (H. R. 7106) for the relief of R. D. Hay; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

STAR-ROUTE CONTRACTS.

Mr. SCALES, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Postmaster-General be instructed to report to this House at as early day as practicable all failures, whether by the original or sub contractors, to carry the mails on any of the star routes; the extent and cause of said failures; district, State, and Territory where they have occurred, and the number in each district; and what steps have been taken, if any, and with what success, to enforce performance of the contracts. And that he also report what additional legislation, if any, is necessary to enforce all said contracts, and to secure to the people, as far as may be, regular service on these routes and all others in the star service.

INTERNAL-REVENUE TAXES.

Mr. SCALES. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of so amending the internal-revenue laws as not only to abolish the tax on tobacco but also to abolish the tax on all brandies made of apples, peaches, and grapes, and to reduce the tax on whisky to 50 cents per gallon; and that they further inquire into the propriety of abolishing the present complicated, expensive, and odious system of collecting said taxes, with its horde of officers, and substitute therefor the system which now obtains in most of the States, and which is based upon the honor and good faith of the citizen and taxpayer, with such pains and penalties for a violation of such laws as may seem to them equal, just, and efficient; and that they report by bill or otherwise.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MILLS and Mr. ANDERSON objected.

Mr. SCALES. The resolution merely asks the committee to inquire into the expediency of amending the internal-revenue laws in the way proposed. I understand my friend from Texas [Mr. MILLS] withdraws his objection.

Mr. ANDERSON. I object to the present consideration of the resolution.

Mr. SCALES. It only instructs the committee to inquire into the expediency of the proposition.

Mr. ANDERSON. I insist on my objection. I have no objection to the resolution being referred.

The resolution was referred to the Committee on Ways and Means.

DROP-Letters.

Mr. DINGLEY, by unanimous consent, introduced a bill (H. R. 7107) to provide for a uniform rate of postage on drop-letters; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NATHANIEL D. CHASE.

Mr. DINGLEY also, by unanimous consent, introduced a bill (H. R. 7108) granting a pension to Nathaniel D. Chase; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRUNDY COUNTY, TENNESSEE.

Mr. DIBRELL, by unanimous consent, introduced a bill (H. R. 7109) to detach the county of Grundy, in the State of Tennessee, from the southern district of East Tennessee, and attach it to the middle district of said State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SICKNESS AND DEATH OF THE LATE PRESIDENT GARFIELD.

Mr. NEAL. I offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Be it resolved by the House of Representatives, That the board heretofore appointed to audit the expenses attendant upon the last sickness and death of Hon. James A. Garfield, late President of the United States, are hereby instructed to report to this House a schedule of all the claims presented to said board, the action of the board upon the same, the allowances made, and generally all their transactions in the premises.

THE SPEAKER. Is there objection to the present consideration of this resolution?

Mr. SPRINGER rose.

Mr. NEAL. The board is willing to furnish that information.

Mr. SPRINGER. I have no objection. The object is merely to report the proceedings of the board to the House, is it not?

Mr. NEAL. Yes, sir; that is all.

The resolution was adopted.

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

The latter motion was agreed to.

STREET RAILWAYS IN THE DISTRICT.

Mr. KLOTZ, by unanimous consent, introduced a bill (H. R. 7110) to regulate the carrying of passengers on the city railroad cars of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS.

Mr. STEELE. I ask unanimous consent to call up from the Private Calendar for present consideration the bill (H. R. 6684) authorizing the muster in and discharge of Henry Z. Blinn. I will state that this is for the relief of a wounded soldier. It authorizes his muster in and gives him two months' pay.

THE SPEAKER. The bill will be read, subject to objection.

The bill was read.

Mr. STEELE. The bill is the unanimous report of the Committee on Military Affairs.

Mr. RICE, of Missouri. I object to the present consideration of the bill.

Mr. HISCOCK. I call for the regular order.

Mr. CASWELL. I must now insist on the regular order.

Mr. HISCOCK. I call for the regular order.

THE SPEAKER. If the regular order is insisted upon, the question is upon the motion of the gentleman from Wisconsin [Mr. CASWELL], to dispense with the morning hour for the call of committees for reports.

The motion was agreed to (two-thirds voting in favor thereof).

ENROLLED BILLS SIGNED.

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

A bill (S. 1703) to cede to the first taxing district of the State of Tennessee a certain lot of land situated in said district; and

A bill (S. 506) authorizing the board of commissioners of the Soldiers' Home to sell certain property at Harrodsburg, Kentucky, belonging to the Soldiers' Home.

ORDER OF BUSINESS.

Mr. CASWELL. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the Post-Office appropriation bill.

Mr. HOUK. I ask the gentleman to yield to me for a moment.

Mr. CASWELL. I will yield to the gentleman from Tennessee [Mr. HOUK], but I can not yield further.

THE SPEAKER. The gentleman can not yield; he can withdraw his motion.

Mr. CASWELL. I can not withdraw the motion.

Mr. HOUK. I hope the gentleman will withdraw it for a moment. Many MEMBERS. Regular order.

THE SPEAKER. The regular order is the motion of the gentleman from Wisconsin [Mr. CASWELL], that the House now resolve itself into Committee of the Whole for the further consideration of the Post-Office appropriation bill.

Mr. HEWITT, of New York. Before that motion is put I desire to make a suggestion. The Post-Office appropriation bill is now complete, as I understand, with the exception of two amendments. They are amendments of such importance that I am sure the House can not discuss them in a satisfactory manner under the five-minute rule. I therefore suggest to my friend from Wisconsin [Mr. CASWELL] the propriety of enlarging the limits of debate so that the amendments may be discussed without the limitation and pressure of the five-minute rule.

Mr. CASWELL. I realize the propriety of such a suggestion. I am well aware that this question can not be discussed by any one in five minutes. I do not know how the time for debate can be extended except by unanimous consent.

Mr. HEWITT, of New York. Then I ask unanimous consent.

THE SPEAKER. Unanimous consent can be given in committee as well as in the House.

The motion of Mr. CASWELL was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CALKINS in the chair.

POST-OFFICE APPROPRIATION BILL.

THE CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the Post-Office appropriation bill. The Clerk will read the pending paragraph.

The Clerk read as follows:

Office of the Second Assistant Postmaster-General:

For inland mail transportation, namely: For transportation on railroad routes, \$11,700,000; and if any railroad company shall fail or refuse to transport the mails for which this appropriation is made, when required by the Post-Office Department, upon the fastest train or trains run upon said road, said company shall have its pay reduced 50 per cent. of the amount now provided by law; and the Postmaster-General is authorized to pay, out of the appropriation for transportation on railroad routes, for special railroad service between the union depot in East Saint Louis, Illinois, and the union depot in Saint Louis, Missouri, a sum not exceeding the lowest rate which private individuals, express companies, or others may pay for transportation between said points, but not to exceed for the fiscal year \$25,000, including allowance for depot room and transfer service at each terminal.

THE CHAIRMAN. The pending question is upon an amendment offered by the gentleman from New Jersey [Mr. ROBESON] to add to the pending paragraph that which the Clerk will read.

Mr. HEWITT, of New York. Before the reading, I ask consent that the discussion of this amendment shall not be under the five-minute rule. It seems to me that it must be obvious to every one that it can not be properly discussed under the five-minute rule.

Mr. HISCOCK. I suggest that we do not give unanimous consent for that, but if any gentleman desires to speak more than five minutes some one can yield to him.

Mr. HEWITT, of New York. I desire to discuss this amendment, and I can not do it under the five-minute rule. It would require twenty minutes at least for me to get before the Committee of the Whole the facts that they ought to have before being required to vote upon the amendment.

THE CHAIRMAN. The Clerk will read the pending amendment.

The Clerk read as follows:

Provided, That for the better accomplishment of the object of the acts authorizing the construction of the railroads hereinafter referred to, and the better to secure to the Government the use and benefit of the same, all acts authorizing the building and construction of those railroads which have received in addition to land grants Government aid by loan or guarantee of bonds by the United States, and all other acts, parts of acts, and provisions having relation thereto, are hereby so altered, amended, and modified that hereafter the compensation paid or allowed for the carrying and transportation of the United States mails by such railroad companies, or their assigns or successors, shall not exceed 50 per cent. of the amount now allowed by law to them as compensation for the same service of like character.

Mr. RYAN. As before stated by the gentleman from New York [Mr. HEWITT], this proposition is one of very great importance, involving questions, of law as well of fact, of great moment. I suggest that if any gentleman desires to discuss the pending amendment he be permitted to proceed until some one thinks it is time to call him to order; in other words, that the Chair shall not apply the five-minute rule to the debate on this amendment.

Mr. ATKINS. I hope the Committee of the Whole will not be thrown upon its courtesy in any such way as that. I hope that the time will be extended to ten or fifteen or twenty minutes to each member, as far as that is concerned. If you throw the committee upon its courtesy, of course no one will feel like objecting to any member speaking as long as he may see fit.

Mr. RYAN. I am not speaking for myself; I have no desire to speak upon the amendment, but gentlemen who desire to discuss it should have a reasonable opportunity to do so. It is a proposition of a great deal of importance.

THE CHAIRMAN. The Chair will make a suggestion which he thinks will facilitate business and enable the committee to reach the result desired.

Mr. ATKINS. I suggest that it be agreed upon both sides that a certain time be allowed for the discussion of this amendment, and then that time can be divided between the opponents and the friends of the proposition. That is the usual way, and I think it is right.

THE CHAIRMAN. How much time does the gentleman suggest?

Mr. ATKINS. I will suggest two hours; that is, an hour on each side.

THE CHAIRMAN. Does the gentleman from New Jersey [Mr. ROBESON] agree to the proposition?

Mr. ROBESON. I have no objection to it.

THE CHAIRMAN. The Chair will then recognize the gentleman from Tennessee [Mr. ATKINS] as in charge of one hour, and the gentleman from New Jersey [Mr. ROBESON] as in charge of the other hour.

Mr. ATKINS. I have no desire to speak myself. I would suggest that the Chair substitute some one else than myself to take charge of the hour in opposition to the amendment. I am in favor of the amendment.

THE CHAIRMAN. The suggestion made by the gentleman from Tennessee [Mr. ATKINS] and acceded to by the gentleman from New Jersey [Mr. ROBESON], who offered the amendment, was that an hour be allowed each side for the discussion of this amendment.

Mr. ATKINS. I suggest that the gentleman from New York [Mr. HEWITT], who is opposed to the proposition, be given charge of one hour.

THE CHAIRMAN. The Chair will do that. Is there objection to the proposed arrangement?

Mr. ROBESON. The only objection I have is that this time is not properly at my disposal. It should be at the disposal of the gentleman who has charge of the bill.

THE CHAIRMAN. The Chair recognizes that fact.

MR. CASWELL. The difficulty is that I am opposed to the amendment.

MR. ROBESON. Well, I am in favor of it.

MR. CASWELL. We stand in adverse positions upon the question.

MR. HEWITT, of New York. I suggest that the gentleman from Wisconsin [Mr. CASWELL] take control of the hour. I do not desire to control it.

MR. ANDERSON. I would like to understand what is proposed.

THE CHAIRMAN. The Chair will again state the proposition. It is that two hours be allowed for discussion on this amendment—one hour to be under the charge of the gentleman from New Jersey [Mr. ROBESON], the other under the charge of the gentleman from Wisconsin [Mr. CASWELL]; one gentleman being in favor of the amendment and the other against it. Is there objection?

MR. ANDERSON. I rise to a parliamentary inquiry. Suppose this proposition be agreed to, and there be discussion under it for two hours, will there then be the usual five-minute debate?

THE CHAIRMAN. Certainly; this does not limit the ordinary five-minute debate.

MR. ATKINS. That follows as a matter of course.

THE CHAIRMAN. Is there objection to the proposition? The Chair hears none. The understanding is agreed to as stated.

MR. HISCOCK. As I understand this arrangement, it is limited to two hours—one under the control of the gentleman in charge of the bill. Who is to have charge of the other hour?

THE CHAIRMAN. The gentleman from New Jersey [Mr. ROBESON].

MR. HOLMAN. With the consent of the gentleman from New Jersey, I desire at this time to submit a substitute for his pending amendment.

THE CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] desires to offer a substitute for the pending amendment of the gentleman from New Jersey.

MR. ROBESON. I have no objection to the substitute being read for information; but I do not wish to yield the floor for the purpose of having it offered, if it proposes to change the parliamentary situation. The gentleman will of course have the opportunity to offer it hereafter.

THE CHAIRMAN. The Chair holds that in the present position of the question, the proposition of the gentleman from Indiana may be read for information only.

MR. HOLMAN. I gave notice of it.

THE CHAIRMAN. It will be recognized at the end of two hours as being offered.

MR. HOLMAN. I desire to offer it at an earlier moment. I hope the Chair will recognize me.

THE CHAIRMAN. The Chair thinks that he is concluded by the arrangement agreed to by the Committee of the Whole that there shall be two hours' discussion upon the pending amendment.

MR. HOLMAN. It certainly was not the intention—

THE CHAIRMAN. That will not preclude the discussion of the gentleman's proposition.

MR. HOLMAN. Well, I ask that it may be read.

THE CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

After the word "dollars," in the forty-eighth line, add the following:

"Provided, That every railroad company which has received a grant of public land to aid in the construction of its railroad equal to or exceeding 3,000 acres per mile, on the condition that the mails should be transported over such road at such price as Congress should by law direct, or has received such grant to the extent aforesaid on the conditions above expressed to aid in the construction of a part of its railroad, or has received the benefits of any such grant in the construction of its road or a part thereof, to the extent and made on the condition aforesaid, shall receive for the transportation of the mails over its road, or over the part thereof for the construction of which it received such aid, 50 per cent. only of the rate of compensation now allowed by law to railroad companies which have not received grants of public lands for such transportation.

"The foregoing provision shall extend to and embrace every land-grant railroad company which has received a grant of public land by and under an act of Congress to aid in the construction of its railroad, and 'to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores' thereon, which expressly reserves to Congress the right to alter or amend the act making such grant, and such company shall receive for transporting the mails over its railroad 50 per cent. only of the rate of compensation now allowed by law to railroad companies which have not received grants of public land, and every such act shall be deemed amended accordingly.

"But the provisions of the thirteenth section of an act entitled 'An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1877, and for other purposes,' approved July 12, 1876, shall remain in full force as to all railroad companies whose railroads were constructed in whole or in part by grants of public lands of less than 3,000 acres per mile of their respective roads."

THE CHAIRMAN. The Chair thinks that this proposition will be pending at the end of two hours.

MR. ROBESON. This is an entirely different proposition from mine. It is much more comprehensive; relates to other subjects than mine. Now, the time fixed for debate on the original proposition will be much more than consumed if we undertake to discuss all these questions.

THE CHAIRMAN. The Chair suggests that debate upon this proposition is not precluded because it is not formally before the Committee of the Whole. It has been read for information and will be pending at the end of the two hours. It may be discussed during the two hours.

MR. HOLMAN. In the mean time no other proposition can be offered?

THE CHAIRMAN. Not at all. The Chair recognizes the gentleman from New Jersey for one hour.

MR. ROBESON. Mr. Chairman, as I have the affirmative of the proposition and the time is limited I desire to divide up my hour so as to reserve a portion of it for reply.

THE CHAIRMAN. The gentleman can take his own course.

MR. ROBESON. Mr. Chairman, I desire to occupy only a few moments at this time in stating the exact bearing, nature, and effect of this proposition.

As the law now stands we have a postal code which fixes the compensation for the transportation of the mails on railroad routes upon certain principles and with certain allowances, giving so much per ton per mile. That proposition of the postal code extends and applies, as I understand it, to all railroad companies which carry the mails, and which, by reason of their relation to the Government, are not subjected to any other special provision directly applicable to them.

There is still one exception to its general application, and that exception includes those roads which by virtue of their charters and their acts of incorporation, and the language used in them, have been held by the Supreme Court of the United States to stand in a different legal relation to the Government of the United States from other roads. So that when Congress designs to fix a rate on them for the transportation of mails, it is necessary that it should directly amend and alter the charters of those companies, the provisions of their charters being such that the general provisions of the postal code are held not to apply to them upon the principle that a general provision is not held to apply to or control a particular provision which has been applied in a particular instance to the same subject-matter. On that general principle of law the Supreme Court has held that the general provisions of the postal code which apply to the other railroads do not apply to that system of roads which is known as the Pacific railroads, a system of roads which has received a special charter from the Government of the United States, and under that special charter claims it is not amenable to the general provisions of the postal code.

It happens, Mr. Chairman, that those roads which claim this immunity are the very roads which have received the most favors and the largest benefits at the hands of the Government. They have received, besides large land grants, subsidies in the shape of bonds pledging the credit of the United States, and now amounting, principal and accumulated interest, to many millions of dollars, near or more than \$100,000,000, I think, although I do not know exactly how much they have been reduced by the sinking fund. They have had heretofore, in addition to their large land grants, large money subsidies from the United States; and yet, standing on the strict letter of their charters and appealing from the action of Congress to the judicial power, while they claim we have the right to exercise it and put other railroads which we have not specially benefited upon a fixed rate which Congress has declared to be reasonable, they also claim that they are not and can not be reduced by that general provision. The amendment is that while other mail-carrying roads receive the lower rates fixed by Congress, these roads shall receive the highest pay known to the postal system and the highest pay charged by individuals for mail transportation. They claim that they shall receive full express rates for everything they carry for the United States Government, and of course without rebate or drawback.

Now, then, if Congress is ever to assert its power over these roads and this subject, they must do it under the clause of the charters of these companies, which reserves to Congress the express power to alter, amend, and modify those charters. And therefore this amendment expressly declares that it is intended as an amendment to their charters. It declares that is the legislative intention.

It does not reduce them largely. It reduces them to 50 per cent. of what they now receive. When they shall be reduced to that 50 per cent. they will still have more compensation than any other railroads of the country. It is necessary we should have this legislation, to some extent at least, in order that the question whether Congress has or has not the control over this subject may be brought fairly to the test of judicial decision and settled for the present and for the future.

Mr. Chairman, how much time have I left?

THE CHAIRMAN. Fifty minutes.

MR. ROBESON. I will reserve the rest of my time.

MR. CASWELL. Mr. Chairman, I do not feel at liberty to take any very considerable portion of the hour allotted to those who desire to oppose this amendment, but I can not remain entirely silent, maintaining the relations I do to this bill, and allow legislation to be attached to it which I think is in direct conflict with the rights of some of these railroad companies by reason of the action of Congress when their franchise was conferred upon them. I oppose this amendment purely on legal grounds, upon the principle that we can not invade the vested rights which these companies have acquired. I shall not attempt to discuss the merits of this question aside from that, or talk about these companies having received large bounties from the Government.

That is not the question here, but one of legal right on the part of these railroad companies which has been already acquired. And I can not stand here as a member of this House and give my consent to a prop-

osition which I conceive to be a plain violation of the right of any party, whether a corporation or an individual. It matters not what the proposition may be if it conflicts with vested and constitutional rights which have been fairly acquired.

I feel certain, Mr. Chairman, that if this proposed amendment shall be adopted by this committee and the House, it will fall short of the purposes intended by my friend from New Jersey in presenting it. It will not, in my judgment, affect either the Union Pacific or the Central Pacific Railroad in the slightest degree, and these are the two great corporations at which he aims this legislation. The amendment would be, however, effectual as to all the other subsidy roads, however small or impoverished they may be.

Mr. ROBESON. Will my friend permit me to interrupt him a moment?

Mr. CASWELL. Certainly.

Mr. ROBESON. My friend will permit me to say that my proposition does not affect any road except those that have received bonds in addition to the land grants.

Mr. CASWELL. I understand that. There is no confusion or misunderstanding between us on that point. The gentleman's proposition extends only to those roads that have received, in addition to land grants, aid by public bonds. Now, which are those roads? The two principal roads are the Union Pacific and the Central Pacific. Those are the roads at which this legislation is aimed.

Now, Mr. Chairman, I repeat, this amendment if adopted will be ineffectual as to them, because they have vested rights, acquired by the terms of the grant in 1862. These rights can not be taken away from them or invaded by Congress. What are those rights which this legislation interferes with?

I have before me the charter of the Union Pacific and Central Pacific Railroads, granted to these companies by Congress in 1862, and I desire to read to the House the section of the law which embodies the terms of the contract under which these companies are to carry the mails. Section 6 provides:

That the grants aforesaid are made upon condition that said company shall pay said bonds at maturity, and shall keep said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line and transport mails, troops, and munitions of war, supplies, and public stores upon said railroad for the Government, whenever required to do so by any Department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid (at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service); and all compensation for services rendered for the Government shall be applied to the payment of said bonds and interest until the whole amount is fully paid. Said company may also pay the United States, wholly or in part, in the same or other bonds, Treasury notes, or other evidences of debt against the United States, to be allowed at par; and after said road is completed, until said bonds and interest are paid, at least 5 per cent. of the net earnings of said road shall also be annually applied to the payment thereof.

The Supreme Court, in a recent case which came before it, has held that that section was a contract between the United States and these companies. In this case the question was raised whether the company was governed by the postal laws which fix the rate of compensation for other railway companies or by the section which has been read. The Court held that the postal laws were entirely inapplicable to these companies, because of the special provision in the charter that they shall have fair and reasonable rates, not exceeding, however, those paid to private individuals for similar services.

That being settled, there is no fixed rate which shall be allowed to the Union Pacific and Central Pacific companies for carrying the mails. That is a question in conflict between the Post-Office Department and these companies. They have claimed they were entitled to express rates, while the Postmaster-General has held they were governed by the postal laws and entitled to no other or greater compensation than allowed to other companies. But the Supreme Court held that the general law did not affect these companies, because of the reservation in the grant to which I have referred that the clause amounted to a contract between the Government and the companies, and consequently were in no manner affected by the action of Congress. There is therefore, Mr. Chairman, left for our consideration this question: Has Congress the power to change that law of compensation so as to reduce it 50 per cent. of what would be regarded a reasonable rate?

Let us see what this proposition of my friend from New Jersey is. He says by his amendment that these companies shall hereafter receive 50 per cent. of the rate now paid to them for the transportation of the mails. What is the rate paid to the Union Pacific and Central Pacific roads? The Supreme Court says it is not the postal rates, because those rates do not apply to these companies under their charter. What is the rate, then, that is to be paid? The companies say, Shall we submit to the rates fixed by the Postmaster-General? The Supreme Court say, No, not necessarily; these companies by the terms of their charter are entitled to a reasonable compensation, not necessarily express rates, but a reasonable rate, not exceeding that paid by private parties for similar service.

Mr. RANNEY. Who is to determine that question?

Mr. CASWELL. There is sufficient confusion now existing between those companies and the Post-Office Department; and if you add this amendment that they shall be entitled to 50 per cent. of the present rate allowed them you are piling confusion on top of confusion, for the gov-

erning rate is unknown, and who can tell what 50 per cent. of an unknown quantity is?

Mr. BLAND. Would it interrupt the gentleman to ask him a question?

Mr. CASWELL. I yield for a question.

Mr. BLAND. Who is to determine this rate—Congress or the Post-Office Department or the railroad, or all together?

Mr. CASWELL. Neither of them. The principle which is to control was settled by the original grant, which provided it should be a reasonable rate. Such a question could only be determined by a jury.

Mr. BLAND. How will you get it before a jury.

Mr. HAZELTON. Pass this amendment and you will find means of getting it before a jury.

Mr. CASWELL. Are we to stand here piling up legislation for the purpose of seeing it overthrown by the Supreme Court? We are supposed to have some mind of our own; and with a provision so plain as the one under consideration I see no reason why we should fail to understand the rights those companies have already secured, wisely or unwisely I do not undertake to say.

But to proceed, Mr. Chairman. Has Congress the power to change this charter in this respect? Can we now turn around and say that these railroad companies shall have only one-half of what is conceded to be a reasonable rate for carrying the mails? My friend from New Jersey [Mr. ROBESON] will say the rate now to be paid to the Union Pacific Railroad Company, in the absence of Congressional legislation, means, as prescribed by its charter, a reasonable compensation. Holding him, then, to that proposition, his resolution in terms proposes to pay to that company only 50 per cent. of what is a reasonable rate. Shall we make that discrimination? Can we do it in the face of the plain language of that charter? Now, let us see what that charter is; whether it contains a qualified reservation to amend, alter, or modify, or one in general terms. Turn to section 18 of the same act; this is its language:

And the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times, but particularly in the times of war, the use and benefits of the same for postal, military, and other purposes, Congress may, at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act.

Now, what are the rights of this company which will be affected by this proposed amendment? They were compelled to carry these mails. The grant compels them to carry the mails; and it says to the railroad company at the same time, "You shall have reasonable rates; you shall have a reasonable and fair compensation for doing it; and you shall carry other Government supplies; you shall transport the troops and the army supplies over your road; you shall do it; and if you accept this grant from the Government of the United States, you do it with that understanding and condition."

These companies say, "Very well, we will do it." They built their roads and we turn around and by an arbitrary act say to them, "We will reduce your compensation 50 per cent. of what we agreed to pay you, and that we concede to be a reasonable and fair compensation;" after you have performed your contract, or your part of it, we say "you shall have only half the pay we promised to give you" for doing our work.

Mr. MILLS. Do we pay these roads more than other roads upon contract?

Mr. CASWELL. It is not settled what we are paying these roads. The amounts supposed to be earned, according to the rates of the Post-Office Department, each year are certified to the Treasury and are credited to these companies on the amount of their enormous indebtedness to the United States. Just what the rate shall be or must be is not settled.

Mr. BLAND. Will the gentleman allow me to ask a question there?

Mr. CASWELL. Yes, sir.

Mr. BLAND. If the companies are compelled under their charters to carry the mail for reasonable compensation is it not necessary for Congress to appropriate that compensation? And in that appropriation are they not the judges of what it should be?

Mr. CASWELL. Not by any means.

Mr. PAGE. They do not get any money for the service.

Mr. BLAND. The money must come first from an appropriation by Congress before the Post-Office Department can credit the companies.

Mr. CASWELL. Let me explain. There is no money about it. My friend from New Jersey [Mr. ROBESON] says truly when he tells us those companies are largely and immensely indebted to the United States Government because of its guarantee of these bonds. Now, sir, it has been thought by the people of this country that those two railroad companies would never be able to pay that enormous debt. But the amendment of the gentleman is based upon the theory that they will pay it, every dollar of it; and he wants to diminish the credit we have given them to apply to that indebtedness. All that is earned by these companies is credited now by law to the companies simply on the books of the Treasury and applied in reduction of that indebtedness.

Upon the assumption that that indebtedness will all be paid, upon the assumption that the United States will be saved entirely harmless, the gentleman from New Jersey proposes to take away even one-half of

their earnings for carrying the mails. If they are to return all of this money to us, why should we withhold one-half of the compensation for the service which they render us?

Mr. RANNEY. Do I understand the gentleman to take the ground that under that act Congress has no power to change it?

Mr. CASWELL. I do.

Mr. RANNEY. Or that they ought not to do it?

Mr. CASWELL. That they have not the power.

Mr. RANNEY. Have not the courts decided otherwise?

Mr. ROBESON. Yes.

Mr. CASWELL. I think not. As a matter of policy, in the first place, we ought not to do it, because we are now only crediting these companies upon their enormous indebtedness which they are owing to us. If my friend takes the ground that these companies will return all the money to the United States which they owe us, I ask why, as a matter of justice, should we strip them of one-half of their earnings in transporting our mails over their roads?

In response to my friend from Massachusetts [Mr. RANNEY] let me say that I take the ground that Congress has no power to change this charter or grant to the extent of interfering with a vested right which has become a part and parcel of the contract. This question partly came before the Supreme Court in the funding case, where the question arose as to whether or not the Thurman bill was constitutional in its provisions.

That act you will remember simply provided that 25 per cent. of the net earnings of this road should be set apart and invested for the benefit of the companies, to be held and applied upon its indebtedness when the bonds became due. The Supreme Court in that case held in the first instance:

The establishment of the fund is a reasonable regulation of the administration of the affairs of the companies, promotive alike of the interest of the public and of the corporators, and is warranted under the authority which Congress has, by way of amendment, to change or modify the rights, privileges, and immunities granted by it. That the establishment of the sinking fund by the act of May 7, 1878, does not conflict with anything in said charter.

Again, in discussing the question, Chief-Judge Waite says:

This act (the funding act) takes nothing from the corporation or the stockholders which actually belongs to them. It oppresses no one and inflicts no wrong. It simply gives further assurance of the continued solvency and prosperity of a corporation in which the public are so largely interested, and adds another guarantee to the permanent and lasting value of its vast amount of securities.

They put their decision upon the ground that it takes nothing from the company, that it simply sets apart a portion of their earnings to be invested again in bonds on interest for preservation, not only for the company but for its creditors.

And they further hold that taking this 25 per cent. of the net earnings is not an appropriation of moneys, not a payment upon the debt, but simply setting it apart to be held by the United States Government, as a trustee as it were, for the future benefit of all parties. Therefore nothing is taken from the company.

But how would it be in this case? It is here proposed to take from the company one-half of the earnings which they were promised in the original grant, which provided they should have a reasonable and fair compensation for the carrying of the mails.

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

Mr. CASWELL. Yes, sir.

Mr. UPSON. Are these roads being allowed for this service a higher rate than other roads are being paid for similar services?

Mr. CASWELL. The Postmaster-General undertook to fix their rates the same as for other companies. But the Supreme Court of the United States in 104 Wallace holds that these acts and the acts of the Postmaster-General do not touch them, because of the reservation in their charter that they should have fair and reasonable rates of compensation.

Mr. UPSON. What is the fact? Are they being allowed more than other roads?

Mr. CASWELL. I may say they are not being allowed anything; that is, they are not paid any money. The Postmaster-General adopts the rule that is applied to other railroads, and certifies the amount to the Treasury of the United States, and that amount is placed upon the books as a credit of the road on their indebtedness. In the mean time the company are also claiming express rates. There are two different items submitted to the Treasury each year to cover their earnings.

Mr. BLAND. Are the other roads allowed unreasonable rates?

Mr. CASWELL. I think the presumption is, in the absence of any proof, that the rates prescribed by Congress for other roads are to be regarded as a reasonable allowance. This proposition would, however, reduce the rate of compensation to all the companies within the scope of the amendment to one-half of what is regarded as reasonable rates. The question is, What is that rate, and can you reduce it under the terms of the grant?

Mr. BLAND. Not being informed, I would like to ask the gentleman if the rate is reduced one-half, would they receive then the compensation of other roads?

Mr. CASWELL. If you will tell me what the whole rate is I will answer your question.

Mr. BLAND. I have not investigated it.

Mr. CASWELL. It is an unknown quantity.

Mr. COBB. If the gentleman will allow me a moment—

Mr. CASWELL. Certainly.

Mr. COBB. As I understand the gentleman's position, it is that this amendment, if adopted, would be inoperative for the reason that it violates a contract between the Government and these railroad companies.

Mr. CASWELL. That is what I have been trying to say.

Mr. COBB. In the first place, I would ask the gentleman whether or not the obligation of a contract under the Constitution is binding upon Congress? And I will suggest another point. The gentleman probably is familiar with the action of Congress in regard to the Thurman bill, as it is called. That bill provided for creating a sinking fund, a sinking fund which was to be applied to the payment of the interest on these subsidy bonds.

Mr. CASWELL. Yes, sir.

Mr. COBB. Now the Supreme Court had held, as I remember, that the interest upon those bonds was not payable till the principal fell due.

Mr. CASWELL. Yes, sir.

Mr. COBB. Yet the bill to which I refer provided for creating a sinking fund to pay the interest on those bonds before the bonds did fall due.

Mr. CASWELL. No, sir; to be held in reserve till the bonds fall due.

Mr. COBB. Both principal and interest?

Mr. CASWELL. Yes, sir.

Mr. COBB. Now, I suggest if that could be done, it was a change, according to the decision of the Supreme Court, of what the gentleman assumes to be a contract between the Government and the company.

Mr. CASWELL. Well, the Supreme Court held otherwise. They held that the act referred to was in no way in conflict with the charter, because it only set apart a portion of the earnings of the companies for the protection as it were of the rights of creditors.

Mr. COBB. But was it not a change of the contract? If the contract did not require the interest on those bonds to be so paid, was it not a change of the contract, in pursuance as I may say of that section of the charter giving Congress the right to alter or amend it?

Mr. CASWELL. I can not yield further; but I will say this: four of the judges of the Supreme Court held that the act referred to did not interfere with the charter, while three of them held that it did. The decision was sustained by a majority of only one.

But that is an entirely different question from the one presented here. This proposed legislation is in direct conflict with the charter. The language of the charter is clear and distinct that the company shall have fair and reasonable rates, while this law proposes to take away one-half of that rate. By reason of this grant the companies acquired a right which could not be divested or impaired.

Now, what does the reservation of the right to change or amend the charter mean? Why, it has been interpreted by the courts over and over again. It is held that the legislative authority under such a reservation may modify or change the charter so far as the franchises of the corporation are concerned, but can not take away a vested right which assumes the attitude of a right between individuals.

Mr. RANNEY. Does not the act now in question contain an express provision that Congress may repeal the whole of it?

Mr. CASWELL. Yes, Congress may repeal—

Mr. RANNEY. If we may repeal the whole, can we not change some subordinate part?

Mr. CASWELL. My friend will find that Congress can not repeal or take away vested rights. A charter may be repealed, and the corporation compelled to wind up its affairs, but we can not divest a corporation of its property by a repeal of its charter or a modification of it. A right once acquired can not be taken away. Suppose Congress makes a grant of land to a company to build a railroad 1,000 miles in length, and provides that the company shall build 100 miles each and every year. The company accepts the grant, and proceeds to construct the road. It builds half the road, and within the time required by law. Now, can Congress repeal or take away that grant?

Mr. RANNEY. If the right is reserved in the charter it can.

Mr. CASWELL. The company has acquired a right of which Congress can not divest it without violating the contract on its part. I hold that Congress has not the power to take away a vested right in this case any more than it could take away such a right if the contract were between two individuals. When Congress passes an act which makes the Government a contractor on the one side and a railroad company or an individual a contractee, it descends from the high plane of sovereignty as a legislative body to the plane upon which individuals meet each other, and it is governed and bound by the ordinary rules and provisions of the Constitution, which protect individuals in the rights which they have acquired.

These companies built their roads. Under the compulsory provision that they should carry the mails they have carried them, and must continue to carry them. "But," says the gentleman from New Jersey, "the United States may now disregard the terms of the original grant, and turn around and say to these companies, 'You shall carry the mails for half what is conceded to be a reasonable rate.'"

Mr. VALENTINE. There seems to be a misapprehension as to that particular point. Now, is it not the fact that the Post-Office Department

credits the Union and Central Pacific Railroad Companies with the same amount with which it credits other roads for carrying the mails, which amount goes to the credit of these companies upon their indebtedness to the Government? Is not that the amount now certified?

Mr. CASWELL. It is the amount certified by the Postmaster-General; but whether it is the amount of the credit, I do not know.

Mr. VALENTINE. The companies ask more than that?

Mr. CASWELL. Yes, sir.

Mr. VALENTINE. Is it not impossible to determine here what the rate should be without an adjudication if this amendment should be adopted?

Mr. CASWELL. I explained that in the beginning. The language of this amendment is 50 per cent. of the amount now paid to these companies.

Mr. VALENTINE. And the amount now paid has never been determined.

Mr. CASWELL. That is unsettled; it is an unknown quantity. This amendment, as I have already said, would pile up confusion upon confusion, and, as I believe, it will be inoperative as to the Union and Central Pacific Railroads, the two great railroads to which, if any, it ought to apply, and it will be effectual only upon those smaller companies that have not in their charters the same provision as these two companies guaranteeing to them a reasonable compensation. Under this amendment these smaller companies will continue to carry the mails at 50 per cent. of the amount provided by law for other companies, while these two great railroads will be enabled to carry the mails at what may be deemed reasonable rates under the terms of their charters. This is an unjust and unfair discrimination against the smaller railroad companies.

While my friend from New Jersey would reach those two great railroads, and while it would fall harmless upon their heads, it would rest heavily upon the smaller roads. As I have said before, I doubt the policy and wisdom of the amendment, even if it were to be effectual, for the reason that these railroad companies are so deeply indebted to the United States Government, and whatever is earned is simply credited upon that great indebtedness, which I wish were far less than it is.

Now, Mr. Chairman, I will yield whatever time I have remaining to the gentleman from New York [Mr. HEWITT].

Mr. HEWITT, of New York. Mr. Chairman, the gentleman from Wisconsin [Mr. CASWELL] has discussed this question from the legal point of view, and he has stated that this amendment, in his opinion, is contrary to the law. I oppose the amendment because I think it is contrary alike to justice and to policy.

There are three classes of railroads in this country with which the Government has to do business: First, the common carriers who have no relations to this Government except to carry its mails and its troops; secondly, the land-grant railroads, in the charters of which and under the grants they have received provision is made that the roads shall be highways free for the transportation of the mails and of the troops of the United States; and lastly, there are the subsidized roads, as they are called, "the Pacific system," in which no such reservation was incorporated at all. Under the postal code, by section 4001 of the Revised Statutes, it is provided as follows:

SEC. 4001. All railway companies to which the United States have furnished aid by grant of lands, right of way, or otherwise, shall carry the mail at such prices as Congress may by law provide; and, until such price is fixed by law, the Postmaster-General may fix the rate of compensation.

And under that clause of the statutes the Post-Office Department has sought to compel the Pacific railways to carry the mails at the same rates as the land-grant railroads are by law compelled to carry them. The case has gone to the Supreme Court, and that court has decided in the case of the Union Pacific Railroad Company against the United States, Supreme Court Decisions, volume 104, that the Pacific railroads are not subject to this provision of the statutes, but that there is a law for them which is laid down in the charters of those companies.

In view of this decision comes in this amendment which proposes to "alter and amend" the charters of the Pacific railroad companies so as to subject them to the provisions of this law. In other words here is a proposition which seeks to insert into the charters of these companies a condition subsequent, and the authority for making this new condition is claimed to be based on the right to alter, amend, and repeal.

I do not know, and I will not pretend to express an opinion, as to whether the decisions in the Granger cases go so far as to assert that the authority to alter, amend, and repeal confers this power on Congress. To me it is immaterial whether that power exists in Congress or not. If it resides here, it ought not to be exercised, because if the power exists in this House to cut down arbitrarily 50 per cent. the compensation allowed by the charters of these companies, there is no reason why we should not require these railroad companies to do this work without compensation at all. If we have this power at all there is no limit but in the sense of justice which resides in the members of this House. The discretion is absolute as to whether we shall pay the beneficiaries of any legislation of the United States any compensation whatever for any public service which by the terms of their charters they are required to render.

Now, Mr. Chairman, in the charters of these companies there was a

distinct provision that the rates we should pay should be fair and reasonable. That section has been read by the gentleman from Wisconsin [Mr. CASWELL] and I will not take up the time of the House in repeating it. The provision is that the rates shall be "fair and reasonable rates, not to exceed the amounts paid by private parties for the same kind of service."

But the right to alter and amend these charters was reserved in very remarkable language, which has not been read to the House, and it is as follows:

To the end to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, to keep the same in working order, and to secure to the Government at all times, but particularly in the event of war, the use and benefit of the same for postal, military, and other purposes, Congress may at any time, *having due regard for the rights of said companies named therein*, alter, amend, or repeal this act.

I am no lawyer; I am not very familiar with charters; but I have never seen a clause in any charter granted by any State or by the United States in which that peculiar language is inserted, "having due regard for the rights of said companies named therein."

This amendment, offered under the direction of the Committee on Appropriations, asserts on the face of it that it is for the better accomplishment of the acts authorizing the construction of the railroad hereinafter referred to, to the end to secure to the Government the use and benefit of the same. That is the purpose alleged as the foundation and ground for this amendment.

Well, that very purpose has been made the subject of discussion and of judicial construction by the Supreme Court of the United States. When the Secretary of the Treasury was directed by this House prior to the passage of the sinking-fund act to retain all the compensation for every kind of service rendered to the United States the companies resisted, as will be remembered, on the ground that by an amendatory act only 50 per cent. was to be retained. That question went to the Supreme Court. The judgment of the court was in favor of the companies. Their opinion in that case was delivered by Mr. Justice Davis; and no man will suspect that that eminent citizen who now presides over the Senate could be influenced by any undue regard or favor toward the railroads or toward monopolies of any kind. If there be a man in this whole country who is identified with opposition to monopolists and special grants, it is that eminent jurist.

Now, the court passed upon this very question as to whether the objects aimed at in the acts were of a nature which could subject them to amendment by Congress in order to make them better fulfill the object of their creation. I quote with reference to this very point from the case of the United States against the Union Pacific Railroad Company, Supreme Court Reports 91, page 79, in which the following language was held:

Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which surrounded Congress when the act was passed. The war of the rebellion was in progress, and the country had become alarmed for the safety of the Pacific States, owing to complications with England. In case these complications resulted in an open rupture, the loss of our Pacific possessions was feared, but, even if this fear were groundless, it was quite apparent that we were unable to furnish that degree of protection to the people occupying them which every government owes its citizens.

It is true the threatened danger was happily averted, but wisdom pointed out the necessity of making suitable provision for the future. This could be done in no better way than by the construction of a railroad across the continent. Such a road would bind together the widely separated parts of our common country, and furnish a cheap and expeditious mode for the transportation of troops and supplies. And if it did nothing more than afford the required protection to the Pacific States, it was felt that the Government, in the execution of a plain duty, could not justly withhold the aid necessary to build it. And so strong and pervading was this opinion that it is by no means certain the people would not have sanctioned the action of Congress, if it had departed from the traditional policy of the country regarding works of internal improvements, and charged the Government itself with the direct execution of the enterprise.

This enterprise was viewed as a national undertaking for national purposes, and the public mind was directed to the end to be accomplished rather than the particular means employed for the purpose. Although this road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier. There was a vast unpeopled territory lying between the Missouri and Sacramento Rivers which was practically worthless without the facilities afforded by a railroad for the transportation of person and property. With its construction the agricultural and mineral resources of this territory could be developed; settlements made where settlements were possible, and thereby the wealth and power of the United States essentially increased. And there was also the pressing want, in times of peace even, of an improved and cheaper method for the transportation of the mails and supplies for the Army and the Indians.

It was in the presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great, and by many intelligent persons considered insurmountable. Although a free people, when resolved upon a course of action, can accomplish great results, the scheme of building a railroad 2,000 miles in length, over deserts, across mountains, and through a country inhabited by Indians, jealous of intrusion upon their rights, was universally esteemed at the time to be a bold, hazardous undertaking. It is nothing to the purpose that the difficulties in the way of the undertaking, after trial, in a great measure disappeared, and that the road was constructed at less cost of time and money than was considered possible. No argument can be drawn from the wisdom that comes after the fact. Congress acted with reference to a state of things supposed to exist at the time, and no aid can be derived in the interpretation of its legislation from the consideration that the theory on which it proceeded turned out not to be correct. The project of building the road was not conceived for private ends, and the prevalent opinion was that it could not be worked out by private capital alone. It was a national work, originating in national necessities, and requiring national assistance.

The policy of the country, to say nothing of the supposed want of power, stood in the way of the United States taking the work into its own hands. Even if

this were not so, reasons of economy suggested that it were better to enlist private capital and individual enterprise in the project. This Congress undertook to do, and the inducements held out were such as it was believed would procure the requisite capital and enterprise. But the purpose in presenting these inducements was to promote the construction and operation of a work deemed essential to the security of great public interests.

It is true the scheme contemplated profit to individuals, for without reasonable expectation of this capital could not be obtained, nor the requisite skill and enterprise; but this consideration does not in itself change the relation of the parties to this suit. This might have been so if the Government had incorporated a company to advance private interests and agreed to aid it on account of supposed incidental advantages which would accrue to the public from the completion of the enterprise. But the Government proceeded on a wholly different theory. It promoted the enterprise to advance its own interests, and endeavored to enlist private and individual enterprise as a means to an end—the securing a road which could be used for governmental purposes. Whatever obligations, therefore, rest on the company incorporated to accomplish this purpose must depend on the true meaning of the enactment itself, viewed in the light of contemporaneous history.

Now, the object sought to be gained in the building of this highway was to secure a great national road, and every inducement inserted in that grant, every portion of that charter which differs from the charters of other roads, was part of an inducement to private individuals to embark capital in this enterprise and to secure the execution of this great scheme. The road was built. The work has been done, and now this House is asked to come in and take away some of the incentives and inducements that were proposed to the men who built that road by the terms of the original act.

It will not do to give as the justification for this proposition to change the terms of the contract, for the Supreme Court has decided that the charter is a contract, that the work was enormously profitable to its projectors, or that there were scandals connected with its execution. The securities of these roads are scattered widely over the country, and are in the hands of thousands of innocent holders who have bought them from the original holders on the plighted faith of the Government as declared in the legislation by virtue of which these great enterprises were undertaken and carried to a successful completion. To impose new conditions now which will impair the value of these securities is neither more nor less than a repudiation of the public faith under the guise of a "readjustment" of the charters of these companies.

Let me quote from the opinion of Judge Bradley in the sinking-fund cases, and I think it will be the opinion of every fair-minded man as to the effect of this kind of legislation:

I will only add further that the initiation of this species of legislation by Congress is well calculated to excite alarm. It has the effect of announcing to the world and giving it to be understood that this Government does not consider itself bound by its engagements. It sets the example of repudiation of Government obligations; it strikes a blow at the public credit; it asserts the principle that might makes right; it saps the foundation of public morality. Perhaps, however, these are considerations more properly to be addressed to the legislative discretion.

And it is for that reason, Mr. Chairman, that I address these considerations to the legislative discretion. Are we prepared by a vote of this House to begin the work of confiscation of private property? We may have the right because the obligation not to impair contracts does not bind the Government of the United States as it does the States; we may have the physical right to do this thing; but are we prepared to begin the work of confiscation, which when once approved by a vote of this House must proceed with accelerated strides until it ends in the logical result of communism?

Mr. DUNN. Do I understand the gentleman from New York to hold that a railroad is the private property of a private corporation for private purposes?

Mr. HEWITT, of New York. I hold that every man who becomes a stockholder in a railroad acquires rights of private property, and if you take away by any act of legislation any of the corporate rights that have been granted to the company simply because you have got the power to do it, and you do it against your solemn promise not to do it, I say then you have invaded the sanctity of private property, and the legitimate result and the only legitimate result is that the communistic spirit is thenceforth incorporated into the law of the land. [Here the hammer fell.] I have not completed the remarks I wanted to make. I suppose the gentleman from Wisconsin [Mr. CASWELL] occupied more time than he intended. I should like to present one other phase of this question.

The CHAIRMAN. The gentleman from Wisconsin [Mr. CASWELL] has five minutes of his time remaining.

Mr. CASWELL. I ask unanimous consent that the time of the gentleman from New York be extended ten minutes.

Mr. BLAND. I suggest that half an hour additional time be given to each side.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Wisconsin. The gentleman from New York will proceed for ten minutes.

Mr. BLAND. I have objected, in so far as I make a different proposition, and that is that half an hour additional on each side be given. This is a very grave question and ought to be fully discussed.

The CHAIRMAN. Did the gentleman from Missouri [Mr. BLAND] rise to object?

Mr. BLAND. I did, until I could have my proposition considered. The CHAIRMAN. The gentleman from Missouri objects to the ex-

tension of the time of the gentleman from New York for ten minutes, and submits the proposition that the time for this debate be extended half an hour on each side. Is there objection to that proposition? The Chair hears none. The gentleman from Wisconsin [Mr. CASWELL] is entitled to the floor.

Mr. CASWELL. I yield the gentleman from New York [Mr. HEWITT] fifteen minutes, if he desires it.

Mr. HEWITT, of New York. I hope I will get through in that time.

Now, if this proposition be founded upon a principle upon which the House is prepared to act, I can not for the life of me see why we stop at one-half. There ought to be nothing mean in the legislation of this sort. If we are going to do it at all let us make this grab worth something to the country.

Let us see how much is the amount involved, and if we take any portion take the "demission total." The amount allowed the Central Pacific Railroad last year for mail service was \$296,000; the amount allowed the Union Pacific Railroad for this service was \$443,000; the two amounts making a total of \$739,000.

Mr. MOULTON. For transportation?

Mr. HEWITT, of New York. For transportation of the mail alone.

Mr. BLAND. Will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from New York yield?

Mr. HEWITT, of New York. Certainly.

Mr. BLAND. It is a question merely for information. Is that what the Post-Office Department allowed the railroads?

Mr. HEWITT, of New York. This was the allowance of the Post-Office Department.

Mr. BLAND. They do not accept it?

Mr. HEWITT, of New York. They do not accept it. The amount is \$739,000 *in toto*. This bill would take one-half of that compensation—assuming this to be the amount finally allowed—which would be \$369,000. Now, it seems to me that if we want to get any compensation for the immense grant of land and for the advance of this enormous amount of bonds, \$369,000, although a considerable sum, is scarcely worth while discussing. Let us take the whole \$739,000 and put it into the Treasury, as some compensation to the people of this country for the great loss which surely awaits them when the bonds of the Government of the United States mature.

The amount due from these companies after the passage of the Thurman act on June 30, 1881, was \$99,000,000. The amount on the 30th June last was \$103,000,000. It increased \$4,000,000 in one year. If the Government to-day were to take possession of this property, if it had a right to take it under its lien, they would have to take it subject to the prior liens of the first mortgage amounting to \$62,000,000. The result would be that those roads to-day would cost the Government \$165,000,000.

There is an impression abroad in this country that these railroad companies do not intend to pay the debt due to the United States. I confess I share in that fear. I do not believe they will be able to pay the debt at its maturity. There is but one barrier in the way of the necessity on the part of this people to take those roads, and that is created by the operation of the sinking-fund act, known as the "Thurman act." When we passed that bill we believed that it would provide funds sufficient to liquidate the debt due to the Government of the United States at maturity, or at least to liquidate the prior debts, so that the Government would get the railroad for the amount of its advances and the accumulated interest. But this expectation turns out to be unfounded.

I find in the report of the railroad commissioner for this year the statement that after making the most favorable allowances for the operation of that act, when the debt matures there will be due to the Government of the United States the sum of \$71,000,000. Now add that to the \$62,000,000 of first mortgage bonds, which are prior to the debt of the United States, and you have \$133,000,000, which is the minimum lien which will be upon these roads and which will measure their cost to the United States if they should have to be taken for the debt.

I am not unobservant of the policy of these companies. They are securing other roads between the Pacific and the Atlantic coasts of the United States independent of these roads on which the Government holds a lien. And little as it is to be desired, much as it is to be dreaded, I fear that the roads will be abandoned by the companies, and I expect to see the people of this country brought face to face with the great question of owning and administering these railroads. The only mode of preventing this calamity will be so to strengthen the sinking fund now existing by new accretions and contributions from the earnings of the companies that they can not afford, that it will be against their interest, to abandon the roads to the Government.

This is the fatal objection to the proposition which has been brought before this House by the gentleman from New Jersey [Mr. ROBESON]. It will diminish the sinking fund, which is our only although an insufficient protection; for all this money now goes into the sinking fund and that fund is inadequate to meet the purpose for which it was created.

What ought we to do? Ought we to diminish the means which have been provided for securing the payment of this debt to the Government or ought we to increase it? The duty of this House and of Congress is plain.

The Thurman act has been held to be constitutional. Legislation of the kind now proposed, so far as a layman can judge from reading the

decisions made in all these cases, will be held to be unconstitutional. In the mean time valuable time will be lost.

Instead of impairing it, let us take steps to increase the sinking fund. The Supreme Court has decided that we have the right to provide for the payment of the debt. If the committee will amend the proposition by striking out the provision requiring these companies to take one-half of the compensation now allowed by law, and insert in lieu of it a provision that they shall pay into the sinking fund a sum equal to 50 per cent. of the amount now allowed by law, in addition to all their other contributions to the sinking fund, I will cordially support it. These companies are abundantly able to make that contribution.

Mr. CASWELL. Will the gentleman permit me to interrupt him?

Mr. HEWITT, of New York. Certainly.

Mr. CASWELL. By the act of Congress, by the law as it now stands, the entire amount earned by the railroad companies for carrying the mails is credited to those companies.

Mr. HEWITT, of New York. I know that.

Mr. CASWELL. Not upon the sinking fund, but credited to the amount of their indebtedness.

Mr. ROBESON. Will the gentleman allow me one moment?

Mr. HEWITT, of New York. Certainly.

Mr. ROBESON. The gentleman from New York has made a proposition which may relieve the minds of some people. It amounts to exactly the same thing either way—whether we require them to pay this amount into the sinking fund or to reserve it in the Treasury. If the gentleman will make that proposition I will support it.

Mr. HEWITT, of New York. The gentleman misunderstands my proposition, and therefore I will repeat it. I want to have remain in the sinking fund all that is now provided by law to be paid into the sinking fund, including the very 50 per cent. which the gentleman now proposes to take out of that fund. But I say I will vote for a proposition which will require these companies to pay in addition to that fund 50 per cent. of the rate of compensation now allowed them by law. In other words, I want to secure the payment of this debt for which provision has already been made and which is obviously inadequate, by adding an additional contribution to any payments now required by law.

The subject has been brought to our notice in the reports sent to us accompanying the President's message. We are warned by the report of the railroad commissioner that unless action is taken this debt can not be paid. I ask gentlemen to read the report of the commissioner of railroads. In the brief time I have allowed me I shall not be able to take time for the purpose. They will find the matter there fully discussed, and the necessity for this legislation enforced by convincing arguments. They will be found on pages 15 and 16 of his report for the present year, just laid upon our desks.

Now, how is it to be done? If we were to take all the dividends now being paid by the railroad companies and put them in the sinking fund it would not pay this debt at maturity. There is but one method, therefore, and that is suggested in the report of the railroad commissioner. That is to come to a new arrangement with these companies by which the debt shall be extended at a lower rate of interest and a contribution required to be made to the sinking fund, which the courts say we have a right to require, which by a mathematical computation will be enough to liquidate the debt at maturity and the interest as it accrues.

I appeal to members of this House not to resort to doubtful experiments, to questionable legislation, involving the good faith of the Government. If the proposition now presented is adopted you will only take from one pocket to put it into the other, for all the money earned by these railroads for public work now goes into the sinking fund, which I say is inadequate to meet the debt at maturity, and should therefore not be impaired by the subtraction of any money which will only have the effect of increasing the debt due the Government at its maturity. To diminish this debt is the object at which we should steadily aim. Bear in mind, then, that the proposition of the committee means that for a temporary advantage of \$369,000 a year for fifteen years we put in peril the collection of a debt of \$133,000,000.

Instead of taking this great risk let us pass a substantive act of legislation by which an additional sum shall be paid into the sinking fund, and these companies compelled, as they can be legally, and are now able to do, to provide for the payment of this great debt. Otherwise we will have to shoulder the debt and engage in a policy in regard to these lines of communication which the people of this country are not prepared to undertake; that is, the ownership and the administration of railroads.

Mr. CHACE. The proposition of the gentleman is to relieve these companies from a part of their obligations.

Mr. HEWITT, of New York. No, sir; I would relieve them of nothing—not one penny.

Mr. CHACE. You propose to relieve them from the interest.

Mr. HEWITT, of New York. No, sir; not even from the interest; on the contrary I propose to make them pay it as it accrues instead of allowing it to be piled up to an amount which they will not be able or care to pay.

Mr. Chairman, the best way to meet this emergency, which is indeed great and pressing, is to vote down the amendment offered by the com-

mittee, which does not fit the body of this debt, and adopt the following substitute, which at the proper time I shall offer:

The Secretary of the Treasury is hereby directed to report to Congress a plan by which the sinking fund created by the act approved May 7, 1878, entitled "An act to alter and amend the act entitled 'an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act," shall be enlarged by additional payments to be made thereto by the companies affected by the said act, so that the debt which will be due to the United States for the principal and interest of the bonds advanced to the said companies shall be surely paid at the maturity thereof, or at any extension thereof which the Secretary of the Treasury shall deem necessary to be made in order that the annual contributions to the sinking fund shall be within the ability of the said companies to make, and that the debt may be discharged with ease and certainty.

Mr. ROBESON. I now yield fifteen minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. BLAND. Before the gentleman from Indiana proceeds, I would like an explanation upon one point. If I understand the matter correctly, the amount now allowed to these companies by the Post-Office Department is the same as is allowed to other railroads. If this be so, the proposition of the gentleman from New Jersey would pay to these roads only half the rates now paid to other roads. Is that the proposition?

Several MEMBERS. No.

Mr. BLAND. Then I do not understand it.

Mr. HOLMAN. Mr. Chairman, the remarks of the gentleman from Wisconsin [Mr. CASWELL] as to the power of Congress to regulate the postal service on the Union Pacific railroads and determine the compensation to be paid presents a question of the highest importance, and one which readily arrests the attention of the House, for the question involves the entire scope of power reserved by Congress over those corporations. My friend from Wisconsin, in support of his view that Congress does not possess this power, presents the opinion of the Supreme Court of the United States delivered in the Union Pacific case, as reported in the one hundred and fourth volume of the reports of that court. The portions of the opinion read unquestionably support his views. But I think the gentleman entirely misapprehends that case, which, when carefully examined, seems to me in perfect harmony with the decision in the sinking-fund cases reported in 99 United States Supreme Court Reports.

Let me endeavor to present in a very few words the real point which I think was decided by the Supreme Court. Prior to 1862, when the original act for the incorporation of the Union Pacific Railroad Company was passed, there seems to have existed a statute in the following words:

The Postmaster-General is authorized to fix the rate of compensation to land grant roads in the absence of a price fixed by law.

That provision was re-enacted in 1872, and afterward became a part of the code. Under this provision the Postmaster-General claimed the right to fix the rate of compensation for carrying the mails on the Union Pacific road. Referring to this provision in the case referred to by my friend from Wisconsin, the Supreme Court says:

It is certainly true that these provisions, in their primary intention, did not apply to the appellant [the Union Pacific Railroad Company], for it did not then exist; and when it came afterward into being, by virtue of the act of 1862, it did so with the special legislative contract in the sixth section of its charter, which constituted it a land-grant railroad company, *sui generis*, differing at least in that respect from those previously provided for; and these diverse rules as to compensation for service rendered for the Government continued thenceforth to coexist without conflict. No change of a substantial character was made in the provisions enacted prior to 1862, either by the consolidated act of 1872 or the Revised Statutes; and there is not, therefore, any ground for the inference of a change of the legislative intention that might be drawn from a significant change of language. There is consequently no present inconsistency between the existing provisions of the Revised Statutes, as applicable to the land-grant roads within their purview, and the continued existence of the contract contained in the sixth section of the appellant's charter.

Now, it will be seen at once that the Supreme Court had no occasion to decide in that case whether or not Congress, under the power "to add to, alter, or amend" these acts of incorporation, could reduce the compensation paid for the transportation of the mails. Upon this point the court says:

The legislation referred to furnishes, therefore, no evidence of any intention on the part of Congress to alter the relation between the appellant and the Government, established by the sixth section of the act of 1862; and we are of the opinion that the company is entitled, under its provisions, for the services rendered during the period covered by the present claim, to fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of services. To what extent and upon what considerations Congress has the power to make such change, under the reservations in the act, in a case where it manifests an intention to do so, is a question which does not arise in this suit, and has not been considered.

Now, Mr. Chairman, it seems to me the paragraphs I have read dispose of this question. That decision was made with reference to a law which had existed prior to the incorporation of these companies. In re-enacting it in 1872 and in the Revised Statutes there is no indication of the intention of Congress to extend it to the Union Pacific corporations. Therefore the Supreme Court held that the sixth section of this act incorporating the Union Pacific companies was entirely consistent with that provision, and was still in full force, for Congress had indicated no intention to amend it. In the absence of language showing the intention of Congress to exercise the power of amendment the judicial department of the Government would not presume that Congress intended to

exercise that power. But the court carefully avoids any expression of opinion as to the power of Congress to add to, alter, or amend that act, so as to accomplish the purpose which the Government, through the Postmaster-General, insisted had been accomplished by this ineffectual legislation.

I therefore submit, Mr. Chairman, that this decision and the sinking-fund case, as reported in 99 United States Supreme Court Reports, settle this question, for if anything is clearly settled by the decision of the court in the case last referred to it is that Congress, under this reserved power to add to, alter, or amend the charter of the Union Pacific Railroad corporations, possesses the power to legislate not only to the extent of providing for the creation of the sinking fund, but, beyond that, for the accomplishment of any public object within the scope of the charter granted by Congress to those companies.

These decisions are all predicated upon the judicial views expressed by the Supreme Court and read by my friend from New York [Mr. HEWITT] from the decision delivered by Mr. Justice Davis; that is, these corporations were created and subsidized for national objects, to accomplish public ends, not for private speculation, not with a view to private profit; these great public corporations were organized for national objects, and not designed, except incidentally and subordinate to public interests and the general welfare, to promote and build up private fortunes. No other view could have justified the granting of these charters and the imperial subsidies with which Congress endowed these corporations.

Mr. Chairman, there are two amendatory powers reserved in the acts incorporating these Union Pacific Railroad corporations. The first is that which has already been read by the gentleman from New York [Mr. HEWITT]. It is the language of the original act of 1862, and is also incorporated in the act for the incorporation of the Northern Pacific Railroad Company by the amending and enlarging act of 1864, that extraordinary legislation to which the gentleman from New York has referred, by which these companies were permitted to increase their bonded capital and credits to the extent of \$64,000,000 by giving a prior lien on their railroads as against the United States and their \$64,000,000 bonded debt. The terms made use of are somewhat different and are unencumbered by conditions. Congress simply says this:

SEC. 22. *And be it further enacted*, That Congress may, at any time, alter, amend, or repeal this act.

This is the language of the final section of the final law under which the Union Pacific roads were constructed, reserving in express terms, without condition or qualification, the power on the part of Congress "to alter, amend, or repeal," while the language of the original act of 1862, as read by the gentleman from New York, is, I believe—

Having due regard to the rights of the company, Congress may add to, alter, amend, or repeal.

Can it possibly be said that a grant by the United States involving sufficient bonds and credit to construct these Union Pacific roads, with the additional grant to the six corporations forming the system of 37,000,000 acres of land, large portions of which are of superior value, roads virtually constructed by the grants made by the Government, and more, for they were constructed, as the history of those corporations show, by the means and credit furnished directly by the Government, and the imperial landed estate left unimpaired, shall be followed by no return to the Government but used simply as a means of building up imperial private fortunes? If not, why was the power reserved to regulate and control those corporations for the public good? Sir, can it be said that corporations thus created by the Government, subsidized and endowed by the Government with imperial and landed estates shall be exempt from the reasonable regulations of Government and reasonable public demands? Or, sir, were these subsidies granted as mere favoritism on the part of Congress to promote the fortunes of the few? Either this view must be adopted or Congress, under the powers so clearly reserved, must treat these corporations as public agents, organized for public purposes, and require them to make some reasonable return to the Government for the unexampled bounty granted to them out of the most valuable resources of the people, the public lands.

With proper regard for the rights of these companies, considering the imperial estates granted to them and now crystallizing into a few overgrown private fortunes, and that too out of the resources of the whole American people, is it a great hardship that they should be required to transport the mails of the Government without any compensation whatever? If as common carriers, employing exclusively the capital of the people, they were required to transport your mails, troops, and supplies free of charge, could they with the least show of justice complain?

The proposition of my friend from New York to change this plan with a view to increase the sinking fund will accomplish, if I understand him, nothing more than this amendment accomplishes.

Mr. HEWITT, of New York. I beg your pardon; it adds 50 per cent. in addition to all there is now.

Mr. HOLMAN. If it does that, I trust before morning the gentleman will put it into shape for the action of the House.

Mr. HEWITT, of New York. That is my proposition.

Mr. HOLMAN. I trust my friend will formulate that proposition.

Mr. HEWITT, of New York. Allow me; I wish to take not one dollar out of the sinking fund. I wish to leave it intact because it has

been sustained by the judgment of the court; and then I wish to add to the sinking fund more money yet.

Mr. HOLMAN. I trust it will be done. I trust if it is not done that at least Congress to the extent of the pending proposition will assert the rights of the Government under the power reserved.

Mr. HEWITT, of New York. Will not that take so much money out of the sinking fund?

Mr. HOLMAN. I think it will not take so much out of the sinking fund.

Mr. HEWITT, of New York. Will it not take money out of the sinking fund?

Mr. HOLMAN. I think it will take some money out of the sinking fund, but not the amount involved here. The amount involved here as to two of the roads is some \$350,000 per annum or more, and my friend from New York will scarcely say that all of this \$350,000 will be added to the sinking fund if this provision is not passed; but I am not certain of this, and trust the gentleman from New York will bring in his proposition.

The CHAIRMAN. The gentleman's time is exhausted.

Mr. HOLMAN. I have not occupied fifteen minutes.

Mr. ROBESON. I will yield to the gentleman from Indiana five minutes more.

Mr. HOLMAN. I shall take that five minutes, Mr. Chairman, to explain the amendment I have offered wherein it differs from that of the gentleman from New Jersey [Mr. ROBESON]. There are two classes of these land corporations. The charter of one class in every instance contains a provision in some form expressly reserving to Congress the right to determine what shall be the reasonable cost to be paid to the company for the transportation of the mails. That provision applies to and includes the Northern Pacific Railroad Company, for gentlemen will observe by looking at the act incorporating that company section 11 is as follows:

That said Northern Pacific Railway, and any part thereof, shall be a post-route and military road, subject to the use of the United States for postal, military, naval, and all the Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

Mr. HEWITT, of New York. That is not one of the subsidy roads.

Mr. HOLMAN. It is one of the subsidy roads—with lands and not bonds.

Mr. HEWITT, of New York. We draw a distinction between land-grant roads and subsidy roads.

Mr. HOLMAN. I do not know there is any difference in the form of subsidy except one is land and the other bonds. And in my judgment it would have been far better if the Government had granted bonds to the extent of many hundreds of millions in the construction of these roads than to have made these land grants. In my judgment these imperial grants of the public lands were a most fatal mistake, as time will certainly develop.

Mr. HEWITT, of New York. That may be true; but the distinction here is between those having received bonds and those who did not receive bonds.

Mr. HOLMAN. Yes, sir, that is the distinction made by the gentleman from New Jersey. Only the six Union Pacific companies received subsidies in bonds. My proposition is that these corporations receiving grants equal to or exceeding 3,000 acres of land per mile shall receive for the transportation of the mails over their roads, or over the part thereof for the construction of which they received such aid, 50 per cent. of the rate of compensation allowed by law to railroad companies which have not received grants of public lands for such transportation. This provision includes the Northern Pacific; and the Union Pacific companies should in like manner receive 50 per cent. In other words, by the first of the two provisions which I have proposed to incorporate in this bill all of the land-grant railroads are embraced which received 3,000 acres per mile; and the Union Pacific roads are covered by the second provision, those receiving less than 3,000 acres per mile, or virtually \$15,000 a mile in money at the land rates, will still receive 80 per cent. of the cost of the transportation, and those receiving grants exceeding 3,000 acres per mile, which includes nearly all of the roads, or a valuation exceeding \$15,000 per mile, shall transport the mails for 50 per cent. of the amount now allowed by law. There is the difference between the proposition which I have submitted and that of the gentleman from New Jersey. His proposition applies to the Union Pacific roads alone. I believe my proposition is absolutely more than just—more than just to those companies but scarcely up to what the Government should require.

The measure of the gentleman from New Jersey is too partial and restricted. My proposition covers the entire land-grant system.

On the subject of these bonds let me say that they are a debt to be paid and, in my judgment, will be paid in the progress of time, if Congress is true to the country. Six corporations owe that enormous debt. It is an obligation which the companies must meet, a debt they must pay, and their resources are ample and Congress must apply them. But the land grant is the important feature. The grants made to the Union Pacific roads, except the Sioux City branch, and the central branch of the Union Pacific are not equal in value per acre to the great body of the grants. Of the 206,000,000 acres of land granted to railroad corpora-

tions (195,000,000 since 1862) the most valuable per acre are to the other than the Union Pacific roads.

These amendments impose but a mere bagatelle of burden on any of these corporations, but any of them are as able to extend this trivial benefit to the public as the Union Pacific roads, notwithstanding their subsidies in bonds. These imperial land grants are in the main to be considered.

These land-grant corporations have already disposed of over 15,000,000 acres of the land grants at a price of over \$71,000,000. They still retain over 164,000,000 acres, according to the report made by the Commissioner of Railroad Accounts in 1880, the value of which exceeds \$5 an acre, and the labor of millions of people is daily adding to its value. This vast landed estate involves the most valuable portion of the public domain and is the most magnificent grant ever made in the history of mankind, and will be a fatal legacy to the times that are coming. Is it possible, then, in view of these facts that this House will determine that this enormous wealth invested by Congress in the hands of a favored few shall be exclusively employed for their benefit? Is this just to the Government and the people?

Is it unreasonable to ask that they shall bear some of the burdens and meet some of the expectations which it was asserted they would bear and meet when these grants were made? Or shall the wealth of the few at the expense of the many be the rule of our action? I trust, sir, that this House will not hesitate to act justly not only toward these corporations but justly toward the people, whose wealth has been placed under their control, not to centralize the public wealth but for the public weal.

[Here the hammer fell.]

Mr. ROBESON. I now yield ten minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, the amendment proposed by the gentleman from New Jersey provides that the Pacific railroad acts shall be so "altered, amended, and modified that hereafter the compensation paid or allowed for the carrying and transporting of the United States mails by such railroad companies or their assigns or successors shall not exceed 50 per cent. of the amount now allowed by law to them as compensation for the same service of like character."

The gentleman from New Jersey will presently show the committee that the amount which was allowed during the year ending December 31, 1881, to the Kansas Pacific Railway as compensation for carrying the mails was \$132,686.98. The amount allowed to the Union Pacific Railway for the same service was \$443,538.31, making a total to these two roads, now in what is known as the Union Pacific system, of \$576,225.29. There were also allowed to the Central Branch of the Union Pacific Railroad \$11,342.44 for the same service. The gentleman from New Jersey will submit other facts bearing upon that point. His amendment proposes that the amount to be allowed, in case it is adopted, shall be one-half of the amount now allowed by law. The point in issue is that these companies claim that they must be paid for the mail as if it were express matter and at express rates, and as they own the express companies over their lines, or, in other words, are themselves the express companies, they have it wholly within their power to determine what the express rates shall be.

The Postmaster-General on the other hand, as I understand it, reserves the right to say what is a "fair and reasonable rate;" and he says it is neither fair nor reasonable to charge for the transportation of the United States mail as if it were express matter; and I apprehend that is the precise point in issue.

The gentleman from Wisconsin [Mr. CASWELL] who reports this bill from the Committee on Appropriations, and who opposes this amendment, presented to us the objection that these companies have a "vested right" of such a character as that Congress can not adjudicate the question What is a fair and reasonable rate; and I am frank to say that I think he was speaking perfunctorily for his committee and in the discharge of his duty defending its bill, rather than stating his own opinion upon the question, although in that I may be mistaken. He said that the vested right of this company was the right to be paid a fair and reasonable rate. And he read the statute:

That the Government shall at all times have the preference in the use of the road for all the purposes aforesaid (at fair and reasonable rates of compensation, not to exceed the rates paid by private persons for the same kind of service).

I am not a lawyer, Mr. Chairman, and I may be mistaken in the construction which I place upon this act. But if I understand that section 6, what the gentleman claims as a right vested in the company is, so far from being that, a right vested in the Government of the United States, if such an expression be admissible, and is a condition to be performed by the company. There certainly must be a distinction between those two things. Let me read the first lines of that section:

Sec. 6. That the grants aforesaid—

What were they? The loan of the credit of the United States at the rate of \$16,000 per mile in bonds, and the grant of lands, which in the case of the Kansas Pacific Railroad amounted to 6,000,000 of acres. These were the subsidies. The section says—

That the grants aforesaid are made—

Now what? upon condition that the said company shall—

Do what? shall pay said bonds at maturity—

Which it will not do—

and shall keep said railroad and telegraph line in repair * * * and shall transport mails, troops, and munitions of war, supplies, and public stores upon said railroad for the Government whenever required to do so by any Department thereof; and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid (at a fair and reasonable rate, &c.).

So far from being what I as a layman understand as being a "vested right" of the company, this is a right vested in the Government. The only right which the company has is to perform these conditions. It furthermore has the vested right after its transportation of the mail to receive compensation for it; but it certainly has no vested right to determine what that compensation shall be! Every lawyer upon this floor knows perfectly well that no power has been granted to these companies except the powers expressly stated in the granting act; and every lawyer knows furthermore that in construing these acts they are to be construed first with respect to the interests of the public liberally, and that with respect to the interests of the company they are to be construed rigidly and stringently.

Now, let any gentleman show in any line of that act where the company has a vested right, or any kind of a right, to determine what is a fair and reasonable compensation. If there be no such power stated in the act, then the company does not possess it. These I understand to be maxims of law.

The question then turns upon what is a "fair and reasonable" compensation for this kind of service. As shown by the figures presented the other day by the gentleman from Texas [Mr. MILLS] the amount paid for the transportation of mails per ton per mile to the Pennsylvania road is 8.36 cents; to the New York Central, 8.96 cents; to the Baltimore and Ohio, 12.50 cents. There you have trunk lines; there you have something of a standard. The amount paid to the Union Pacific road is nearly this; it is 9.50 cents. The amount paid to the Central Pacific is 10.48 cents. But when you come to the Kansas Pacific road the amount allowed to it is double these standards, and nearly three times the rate allowed to the New York Central, Pennsylvania, and other trunk lines. It is 20.24 cents and 21.63 cents. [Here the hammer fell.]

Mr. ROBESON. I yield five minutes more to the gentleman from Kansas.

Mr. ANDERSON. Then when you come to the Central Branch Union Pacific the amount allowed to-day is 37 cents per ton per mile; and in one case \$1.71 and in another \$2.03; while you allow the trunk lines 8, 9, or 10 cents.

Gentlemen may say that this is in proportion to the character of the service and especially to the volume of the business. I happen to know personally of two of these items. There is allowed for the transportation of the mail from Concordia to Logan 48 cents per ton per mile; then upon a fork of the same road, having nearly the same amount of business, the allowance is made from Concordia to Bull City at \$1.71 per ton per mile. In other words, these figures show, when you go into the market to ascertain what you ought to pay and what is a fair standard, that you are already paying to these land-grant roads double and treble the usual rates. And as against the proposition of the gentleman from New York [Mr. HEWITT], I allege that these roads were built by the Government, are owned by the Government, and that no man nor any company has the title to a foot or a rail of them, because they are public highways. They are either owned by the particular State granting charters to the subordinate companies, or, if they were incorporated by Congress, then they are owned by the United States; and yet to-day you are paying them more than treble the usual rates for carrying the mail. Yet these oppressed companies are pleading the "right of property" in roads that do not belong to them, and that were built by the United States, and they actually have the audacity, the arrogance, the egregious assurance, the ineffable impudence and devilism [laughter] to come into this Congress and say that they must be paid express rates for carrying United States mails. And notwithstanding all that the eloquent Colonel Robert Ingersoll is actually in a hurry to abolish hell. [Laughter.]

Why, sir, I am surprised that gentlemen on this floor should exhibit such a tender solicitude for these lambs, such an intense anxiety that "justice" shall be done to these suffering corporations, though the Kansas Pacific takes \$8,000,000 a year from Kansas and pays 4 per cent. on its watered stock and 10 per cent. on its real stock. Now, these are the facts. These roads have no "vested rights" whatever in this matter, except the right to comply with the conditions of their grants and to be punished if they do not literally and exactly fulfill these conditions. That is the only "right" they have. And irrespective of our right to amend the act of incorporation, simply exercising the power of Congress to regulate interstate commerce, this body has the right to declare what is "a fair and reasonable rate" of compensation for these roads.

I heartily favor the adoption of the amendment proposed by the gentleman from New Jersey [Mr. ROBESON] as a move in the right direction, and trust that no toleration whatever will be shown by Congress

to the superlative impertinence and iniquitous gougings of these companies.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROBESON] is recognized as entitled to the floor.

Mr. ROBESON. I desire to reserve my time to reply.

The CHAIRMAN. The gentleman from Wisconsin [Mr. CASWELL] will be recognized.

Mr. CASWELL. I will yield ten minutes of my time to the gentleman from Maryland [Mr. McLANE].

Mr. McLANE, of Maryland. I am not going to enter into the general questions involved in the acts of 1862 and 1864. I want to call the attention of the House to the practical effect of the amendment of the gentleman from New Jersey [Mr. ROBESON].

Without differing materially from the gentleman from Indiana [Mr. HOLMAN] as to the proper construction of the acts of 1862 and 1864, I want the House to observe that the debt owing by these roads to the United States, the debt which was originally created by the issue of the Pacific Railroad bonds, and which is now borne upon the books of the Treasury as a part of the public debt of the United States, in so far as the roads have been permitted to issue a prior bond has been released.

Mr. RYAN. To an equal amount.

Mr. McLANE, of Maryland. When the United States yielded that right to the roads to issue a prior bond, and a bond of an equal amount to that originally granted as a subsidy, the United States looked to the sinking fund for payment. They provided by the original act that one-half of the allowance for transportation for troops and one-half for the mail-pay to these roads, together with 5 per cent. of net earnings, should go into that sinking fund.

When the Thurman act was passed, which was called for by the fact that every day revealed the danger that this sinking fund, as stated, would never be sufficient to pay the debt of the United States, practically a new sinking fund was created. The act creating that new sinking fund provided that the entire amount allowed for the transportation of troops and mails should go into the fund, and that over and above that amount a sum of money should be paid into the fund by the railroads, the sum not being designated, but it was to be sufficient with the transportation allowance for mails and troops and 5 per cent. of net earnings to make 25 per cent. of the net profits of these roads. This legislation was authorized by the right to alter and amend reserved in the original acts of 1862 and 1864.

That sinking fund is the reliance, in my opinion, which the United States have for the payment of the debt. It is in the power of these corporations to so administer their affairs that there never will be for the United States any safety but in that sinking fund. And this Congress ought to increase that sinking fund and not to diminish it, and the practical effect of the amendment of the honorable gentleman from New Jersey [Mr. ROBESON] is in my opinion to diminish that fund.

Now, what economy is there in reducing the amount paid for transporting the mails, if the amount so paid is the sum laid aside to pay this debt to the United States?

I have no doubt of our power to alter that sinking fund. Of course I do not go so far as to suppose for a moment that the right to alter and amend involves the right to destroy. Yet a fair and reasonable interpretation of what was said by the honorable gentleman from Indiana [Mr. HOLMAN] might justify such a construction. The alterations and amendments must be reasonable; they must be made in good faith, and be consistent with the object and scope of the act of incorporation. Sheer oppression and wrong can not be inflicted under the guise of amendment and alteration. These are the rules of interpretation laid down by the highest judicial tribunal in the United States, and the Congress are bound by these rules in construing the acts of 1862 and 1864. The United States can not, any more than a State, interfere with private rights, except for legitimate purposes. They can not legislate back to themselves without making compensation the lands they have given these corporations, neither can they by legislation compel these corporations to discharge their obligations otherwise than according to the terms of the contract already made, as the United States are as much bound by their contracts as are individuals.

I repeat, the right to alter and amend is to be exercised with reason and with common sense. Although the Supreme Court of the United States sustained Congress in passing the Thurman act, it was because the Thurman act was an intelligent and reasonable mode of securing the interest of the United States under the provisions of existing laws, and not destroying the roads, or in any way inflicting upon them wrong or oppression.

The question presented by the amendments upon which we are about to vote is whether we will reduce the sum paid into that sinking fund thus legally constituted by the Thurman act. Evidently it will. The House will further observe that the practical effect upon the road of adopting the proposition will be to increase the sum of money to be paid by that road into the sinking fund; for the road must pay into the sinking fund a sum which in addition to the amount allowed for transporting mails and troops and 5 per cent. of the net earnings will make 25 per cent. of the net profits of the road. Then the practical

effect of this legislation is to say that the roads shall pay that much more money into the sinking fund.

If gentlemen mean to do that let them say so. I do not say that we have no right to do it; I believe we have the right to do it, if such additional payment were necessary to secure the rights of the United States. But I want the House to understand that that is the practical effect of the proposition, to reduce the existing rate of compensation for carrying the mails on the two great transcontinental roads which are subject to the conditions of the "Thurman act;" these observations have no application to the other land-grant roads, but these latter are equally entitled to be respected and maintained in the enjoyments of their rights and obligations as defined in their original contracts and acts of incorporation, for, as I have already said, the United States could not legislate back to themselves without making compensation the lands they have given these corporations.

I repeat again, Mr. Chairman, that under this proposition the Thurman act will remain in force. That Thurman act requires a sum of money to be paid by the roads which, added to the allowance for the transportation of mail and troops, with 5 per cent. of net earnings, shall be equal to 25 per cent. of the net profits of the roads. Now, if you reduce the sum allowed for the transportation of mails and other transportation, necessarily the roads must pay that much more money into the sinking fund. Nobody on this floor has asserted that the roads ought to be made to pay more than they now pay, and it is not the purpose or intent of this proposition to make them pay more. If it be reasonable to make them pay more, then let us consider that proposition, and let it be frankly and honestly avowed to be the purpose and intent of our proposed legislation.

I only want to point out the true effect of this reduction of the amount allowed for the transportation of mails and for other transportation. The actual practical effect of that will be either to diminish the security of the United States or to impose upon the railroads an obligation to pay in money to the sinking fund whatever sum is subtracted by this legislation from the allowance for the transportation of the mails.

I submit that the proposition is not reasonable in its character, and I may say it is not intelligent legislation when, professing to seek one object, in fact it accomplishes another, and that other injurious perhaps to the United States, whose interests it is intended to subserve, and if not injurious to the United States then wrongful and oppressive to the railroads upon which it operates.

Mr. CASWELL. Mr. Chairman, I desire first to call attention to the point made by my friend from Indiana [Mr. HOLMAN] as to the decision of the Supreme Court in 104 United States Supreme Court Reports. If I understood the gentleman correctly he argued that the decision of the court in that case was a mere declaration that the act existing prior to the act of 1862 granting this charter did not affect the charter which was granted subsequently. It is true that the legislation fixing the rates for carrying the mails then began; and the Supreme Court merely gives the history of that legislation. But the court quotes the following provision of section 4001 of the Revised Statutes:

All railway companies to which the United States have furnished aid by grant of lands, right of way, or otherwise, shall carry the mail at such prices as Congress may by law provide; and, until such price is fixed by law, the Postmaster-General may fix the rate of compensation.

It was under this section of the Revised Statutes that the Postmaster-General undertook to enforce upon the Union Pacific Railroad Company the same rates that were allowed to other land-grant roads. But the Supreme Court held that these general acts did not apply to the Pacific railway companies, because the terms under which they were to carry the mails were already fixed in their charters. And the court goes further, and says that there has been no attempt by Congress to determine that question. This involves the question whether Congress has the constitutional right to strike down a part of the compensation actually guaranteed to the companies in their charters.

Now, I wish the attention of my friend from Indiana for a moment while discussing that question. I understood him to hold that under the reservation in the charter, Congress has the unlimited power to alter and amend it, or in other words, to impose upon the company the terms provided by this amendment.

Mr. HOLMAN. Having due regard to the rights of the company.

Mr. CASWELL. "Having due regard to the rights of the company." Now, what are those rights? Wherever the company has secured a vested right, that right you can not invade.

Mr. HOLMAN. The gentleman will allow me a suggestion. It is very apparent from the whole act that Congress is to determine the conditions upon which the amendment shall be made. Congress is to determine what is right and just toward the corporations.

Mr. CASWELL. But let me suppose a case which I think would be parallel. We will suppose that Congress has made to a railroad company a grant of alternate sections of land for a certain number of miles if the company will construct a railroad. The company proceeds to build the road. Now, is it in the power of Congress, when the company applies for the patents for its alternate sections of land, to so alter or amend the terms of the grant as to say, "You shall have only one-half of each alternate section?"

Mr. HOLMAN. Will the gentleman allow me to answer? The right in this case is expressly reserved to alter, add to, or amend the act of incorporation, having due regard to the rights of the company. Now, is it not within the spirit of the law that inasmuch as these corporations were organized for public objects and purposes, Congress shall determine to what extent the grants made shall be applied to public use?

Mr. CASWELL. I will say this in reply to my friend: If we should undertake by this bill to provide a certain number of dollars per mile per ton as compensation for carrying the mails, I will concede to the gentleman the presumption would be that this was a fair and reasonable compensation. But this amendment is based upon the theory that these companies shall be entitled to only 50 per cent. of what is a reasonable and fair compensation.

Mr. HOLMAN. Fifty per cent. of the compensation paid to other corporations—corporations substantially built by the Government.

Mr. CASWELL. I trust my friend will not depart from the language of this amendment. It says that these roads, defining them to be land-grant roads and roads which have received subsidies, shall be entitled to only 50 per cent. of the amount now allowed these companies—not other companies, but these same companies. Here we are brought to the question again, what is allowed the Union Pacific Railroad Company? That is not settled. The charter says "reasonable rates." My friend from Kansas [Mr. ANDERSON] seems to concede that they are entitled to reasonable rates; but he undertakes to make out that because these companies are cruel and oppressive swindlers, and all that sort of thing, that is a reason why we should run crazy here and take away the rights which have been vested in them.

Mr. ANDERSON. One who asks justice should do justice.

Mr. CASWELL. As I said in the beginning, I do not stop to inquire whether these corporations are worthy or unworthy. Why, the biggest scoundrel that walks the continent has the same right to protection of his property as the best man that breathes. We do not claim to take away the rights of a man because of his mean qualities. We all stand here in the possession of our rights, and enjoy equal right of property guaranteed to us by the Constitution, to every man and to every corporation created by act of Congress equal rights under the Constitution and the law, wherever we may be and whoever we may be. I care nothing about the managers of these roads, whether they are good citizens, worthy to manage those railroads, or not. That does not enter into the question at all. I wish only to see justice done. I care nothing for these railroad companies. I do not know a single man connected with them living or residing in any State of the Union.

But I am not here to give my sanction to a measure which clearly invades the rights these companies have acquired under their original charters, wherein we said to them, "Go across these plains; build your roads; we will give you the Government transportation to aid you in your line of business, and we will pay you a reasonable and fair compensation for all the freight which we may send over your roads." But it is proposed at this period to turn back upon our promise and say, in the face and eyes of that compact which they accepted and executed, "We will take away one-half of the compensation which we said in the beginning you will be entitled to."

Why, Mr. Chairman, it will never do for the Government of the United States to place itself upon such ground of repudiation and refuse to stand manfully by its contracts, and set an example for the private citizen everywhere. We should not, even if we had the power, refuse to do what is fair, honorable, and just. The whole grant was based upon the theory that the companies would repay every cent of the bonds into the Treasury of the United States. If that be so, then why should we make them do our work for nothing or for half compensation?

But my friend from New Jersey [Mr. ROBESON] may say they can never pay that large indebtedness which they owe to the Government of the United States. Then I say let us be liberal in the credits which we give them; let us be liberal in this regard until the life-spring of hope will come into the management of these roads that they may undertake to pay off this indebtedness, when they could not pay it if this compensation was reduced. [Here the hammer fell.]

Mr. ROBESON. I yield now to the gentleman from New York [Mr. HISCOCK], my colleague on the Committee on Appropriations.

Mr. HISCOCK. Mr. Chairman, I desire to call the attention of the committee to what in my mind is the real distinction between the amendment that is offered by the gentleman from Indiana [Mr. HOLMAN] and the proposition reported from the Committee on Appropriations by the gentleman from New Jersey. The amendment offered by the committee applies only to the land-grant and bond-subsidy roads. The proposition submitted by the gentleman from Indiana extends the provision of the committee to the purely land-grant roads or a class of land-grant roads.

I especially invite the attention of the gentleman from Indiana to the point I am now making, and I hope when the five-minute debate takes place we will hear from him on it.

Now, these small land-grant railroads to which his provision applies are State corporations. I believe they are State corporations without an exception.

Mr. HOLMAN. Except the Northern Pacific Railroad.

Mr. HISCOCK. Excepting the Northern Pacific Railroad, and it is a close question whether the proposition applies to that road or not.

Mr. HOLMAN. It does in express terms, as you will notice by the quotation.

Mr. HISCOCK. Possibly it may then, with the exception of the Northern Pacific Railroad Company. His amendment so far as it extends the operations of the committee's amendment extends it to corporations created by the States.

And the land, if not technically given to the States, was intended to be given to the States for the benefit of State corporations created by the States.

Now, Mr. Chairman, in considering this amendment we do not know what conditions were imposed upon these corporations by the States when these land grants were taken. I doubt if there is a gentleman in this committee who has investigated the question or gone through with the State charters to determine what is the nature of the contracts between the States and the corporations as a condition of their taking these lands; and I recall this fact which I have dragged up from the depths of my memory in reference to one of them, and I presume some gentleman from Illinois will enlighten us upon that subject, that the State of Illinois, as a condition to the granting of a charter to a corporation in that State, provided that it has to take this land from the Federal Government only under an onerous tax or percentage imposed by the State. A gentleman from Illinois near me says that it is 7 per cent. upon the gross earnings of that road as a condition of yielding the right to take this land. Mark you, 7 per cent. not of the net earnings, but 7 per cent. of the gross earnings is imposed by that State as a condition. This fact comes to my mind in reference to the condition imposed by that one State. What conditions other States have imposed we do not know. What are the conditions imposed by other States? I appeal to this committee to know if there be a member here who has investigated all of the facts in reference to these corporations and is prepared to state the terms of the contracts entered into between the States and the corporations as a condition precedent of the States granting to them the right to take the lands. As I said, Mr. Chairman, at the outset of my remarks, it was my object when I rose simply to point out this distinction between these different corporations which in my judgment settles the question that the proposition of the gentleman from Indiana ought not to be adopted by this committee.

Now, a word further in reference to the bond-subsidy roads. The gentleman from Indiana has well stated in reference to these roads that they were created for great governmental purposes. They were not created for the purpose—certainly under the provisions of the amendatory act creating the Union Pacific road in 1864—they were scarcely created for the purpose of giving a benefit to private individuals. The corporations under the provisions of that act became trustees of property for the benefit of the General Government. I have heard no gentleman upon this floor assert that a single dollar of private capital has ever gone into the construction of one of these roads. My colleague from New York [Mr. HEWITT], I believe, and the gentleman from Maryland [Mr. McLANE] have both failed to furnish evidence that a single dollar of private capital ever went into one of the bond-subsidy roads. They were built by the General Government, and these corporations to-day are simply trustees of the property of the General Government. They were built for the purpose of establishing post-roads and for the purpose of affording army transportation. These were the great benefits the Government was to derive from them, and for the purpose of building up commercial relations between the East and West. I repeat then, Mr. Chairman, that every dollar of money that went into the construction of these roads was Government money, and as against the Government there is no private individual that has any pecuniary interest in them. There, Mr. Chairman, is again the great difference between these two classes of corporations.

I desire now to call the attention of this committee to a remark that has been made upon this floor, and I think by my colleague from New York [Mr. HEWITT], that he would be willing, as I understood him, to compel these companies by appropriate legislation to pay into the Treasury a sum equal to this 50 per cent.; and if I did not understand him aright upon that subject he will correct me. But it has been urged here that we are striking down the sinking fund and that is the reason this provision should not be enacted.

Mr. HEWITT, of New York. Will the gentleman permit me for a moment?

Mr. HISCOCK. Certainly.

Mr. HEWITT, of New York. I understood the gentleman referred to me and asked a question.

Mr. HISCOCK. I yield to my colleague.

Mr. HEWITT, of New York. I simply want to say that the point I made was that I would be in favor of making, in addition to the sum now going into the sinking fund, an additional contribution equal to 50 per cent., and I say the constitutionality of such a provision has been affirmed by the decision of the Supreme Court.

Mr. HISCOCK. So I understood the gentleman.

Then the criticism is made that we are attempting to strike down the sinking fund. How are we striking it down? Are we taking out of it any money? Not a dollar.

Are we devoting to any other purpose a single dollar of the earnings of this road? No. We are striking down the sinking fund in just this way, that we say to the Government accountants, "You shall not credit this company with 50 per cent. as much in the future as in the past for the work which the company does for the Government." It is a mere question of keeping accounts. No money is taken from the sinking fund. It is a mere question of a statement of accounts between the General Government and these companies, we saying that the transportation which is done for the General Government shall be credited to a less amount in the future than it has been in the past.

If we were diverting money from the sinking fund, I certainly would regard that as a good objection to this provision. But we are doing nothing of the kind. These roads were built, and built entirely, by Government funds, and the Government of the United States has a mortgage upon them. And when we want to enforce that security the question is to what amount they shall be credited by the General Government with the labor which has been performed.

Noticing, Mr. Chairman, you think my time has expired, I yield the floor.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROBESON] is entitled to the floor.

Mr. ROBESON. The railroads to which this amendment is directed are the admitted beneficiaries of the United States for very large grants of the public domain, which railroads have also received as the beneficiaries of the same beneficent Government, and given them for public purposes, a large subsidy in the shape of bonds of the United States now amounting to more than \$106,000,000. Resting upon the strict language of their charter, they have refused to submit to those reasonable rates of compensation for the carrying of the mails of the Government which created and endowed them which are by law prescribed for other railroads which have received land grants or which having received land grants are unaided by Government subsidies.

This amendment is an attempt on the part of the National Legislature to bring them as near as possible to the reasonable rates which we have prescribed for others, by adopting such form of legal enactment as the experience of the past and the decisions of the courts show to be necessary.

When the general postal code was enacted fixing certain general principles and regulating the rates for railroads which had received no grants Congress declared what they thought was at that time a reasonable compensation for this service; and they designated 80 per cent. of it as a reasonable and proper compensation for the land-grant roads, placing by that enactment no additional burden on the roads which received also a bond subsidy, on account of such subsidy. The Post-Office Department, the proper Executive Department to construe in the first instance and to put into effect that law, undertook to enforce it. These railroads appealed to the Supreme Court against the construction of the Department, and by the decision of the court they were relieved from the construction of the Post-Office Department, upon the ground, the naked ground, that Congress had not evinced a legislative intention expressly to alter and amend their charters, and that therefore the general provision which applied to other railroads had not application to them, whose rights rested in the special provisions of their own charters, which special provisions the general law of Congress had not expressly altered by direct amendment.

Having once declared what were reasonable rates for general railroads and what were reasonable rates for land-grant railroads, we now come to declare what are reasonable rates for these railroads, and we put it in the form of an express amendment to their charter to avoid the point of discrimination which was made and sustained by the Supreme Court in the case reported in 104 United States Reports.

We are now met at the threshold by two or rather by three suggestions: First, we are told that we have no power to do it; that when Congress granted this charter to these railroad companies and gave to them the benefit of all the aid which I have recited, and reserved to itself for the furtherance of the public interests, in express terms, the right to alter, amend, change, and modify that charter, there is a vested right in the company which prevails and avails to prevent Congress from doing what it reserved the right to do, namely, to amend the charter it was granting.

Why, sir, if there is any vested right, it is a vested right in the Government to amend it if they so desire. It is a reserved right. They are not vested rights in the sense in which lawyers use that term; but they are constitutional rights which are reserved and were reserved in the very act of incorporation which these companies accepted and under which they received and now are enjoying these manifold benefits. It has been suggested on the other side that this is not a naked power to amend, because the statute qualifies itself with the words "having due regard to the rights of the companies." If that proposition stood alone it would not interfere with the reserved legislative right to amend or even to repeal. But it does not stand alone.

By the act of 1864, which was the final act upon this subject under which these railroads finally organized and their work was done, the power of amendment is a clean power of amendment or repeal. Without the slightest restriction of any kind Congress reserves the right "to amend, alter, or repeal the act." And the act of 1864 was an act also

which gave to them an increase of benefits from the United States which they accepted and hold.

Mr. RYAN. Double the quantity of land.

Mr. ROBESON. Now, who shall say that the legislative power of the Government has not reserved to itself this right? But it rests not in mere assertion. Here is what the Supreme Court says, in the opinion of the court, delivered by Chief-Judge Waite, in the construction of what is known as the Thurman act:

It is unnecessary to decide what power Congress would have had over the charter if the right of amendment had not been reserved; for, as we think, that reservation has been made. In the act of 1862, section 18, it was accompanied by an explanatory statement showing that this had been done "the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but especially in time of war) the use and benefits of the same for postal, military, and other purposes," and by an injunction that it should be used with "due regard for the rights of said companies." In the act of 1864, however, there is nothing except the simple words (section 22) "that Congress may at any time alter, amend, and repeal this act." Taking both acts together, and giving the explanatory statement in that of 1862 all the effect it can be entitled to, we are of the opinion that Congress not only retains, but has given special notice of its intention to retain, full and complete power to make such alterations and amendments of the charter as come within the just scope of legislative power. That this power has a limit no one can doubt. All agree that it can not be used to take away property already acquired under the operation of the charter, or to deprive the corporation of the fruits actually reduced to possession of contracts lawfully made.

* * * * *

Mr. Justice Field, also speaking for the court, was even more explicit, when (in *Tomlinson vs. Jessup*, *id.* 459) he said: "the reservation affects the entire relation between the State and the corporation, and places under legislative control all rights, privileges, and immunities derived by its charter directly from the State."

* * * * *

Giving full effect to the principles which have thus been authoritatively stated, we think it safe to say that whatever rules Congress might have prescribed in the original charter for the government of the corporation in the administration of its affairs, it retained the power to establish by amendment. In so doing it can not undo what has already been done, and it can not unmake contracts that have already been made, but it may provide for what shall be done in the future.

Mr. ATKINS. I would ask the gentleman from New Jersey [Mr. ROBESON] if he would not rather finish his speech in the morning?

Mr. ROBESON. I would very much rather.

Mr. ATKINS. Then with his consent I will move that the committee rise.

Mr. CASWELL. How much more time has the gentleman?

The CHAIRMAN. The gentleman has twenty-five minutes remaining.

Mr. ROBESON. I would rather go on in the morning.

Mr. CASWELL. Well, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. CALKINS reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, and had come to no resolution thereon.

PURCHASES BY THE PUBLIC PRINTER.

Mr. VAN HORN. I ask unanimous consent that Senate bill No. 2155, to authorize the Public Printer to make certain purchases without previous advertisement, be taken from the Speaker's table and referred to the Committee on Printing. It is important that that bill should be considered as soon as possible.

There was no objection, and the bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. I move that the House now adjourn.

Mr. STEELE. Objection has been withdrawn to the bill which I asked to have passed this morning.

Mr. BURROWS, of Michigan. I call for the regular order.

Mr. STEELE. I have to go away to-night, and I would like to have the bill passed now. It has been read, and there is no objection to it.

Mr. BURROWS, of Michigan. I will not insist upon the motion to adjourn.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. PHISTER, from December 22 to January 4, on account of important business.

To Mr. MARTIN, from Thursday next for ten days, on account of important business.

To Mr. PARKER, from December 21 to January 3, on account of important business.

To Mr. ARMFIELD, from December 22 to January 5; on account of important business.

To Mr. ELLIS, for ten days from December 22, on account of important business.

To Mr. MUTHLER, from December 21 to December 26, on account of important business.

To Mr. STRAIT, for twelve days from Friday next, on account of important business.

To Mr. BLANCHARD, for two days, on account of sickness.
 To Mr. MULDROW, for two weeks from to-morrow, on account of important business.
 To Mr. LADD, from December 22 to January 5, on account of important business.
 To Mr. McCook, for ten days from Friday next.
 To Mr. SPARKS, indefinitely, on account of important business.
 To Mr. MACKEY, for two days, on account of important business.
 To Mr. SHELLEY, indefinitely, on account of important business.
 To Mr. SPAULDING, for two weeks, on account of important business.
 To Mr. DAWES, for four days, on account of important business.
 To Mr. DUNNELL, indefinitely from next Saturday, on account of important business.
 To Mr. HOUSE, from December 20 to January 3, on account of important business.
 To Mr. HARRIS, of New Jersey, until January 10, on account of important business.
 To Mr. POUND, indefinitely.
 To Mr. RAY, for ten days from December 26.
 To Mr. CANNON, from December 22 until January 3.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted for the withdrawal of papers as follows:

To Mr. CALKINS, the discharge papers in the case of Lewis Collier.
 To Mr. BOWMAN, the papers accompanying the bill to remove the charge of desertion against John B. Cary.

SALE OF MILITARY RESERVATIONS.

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

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War upon the subject of abandoned military reservations, and renewing his former recommendations for such legislation as will provide for the disposal of military sites that are no longer needed for military purposes.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, December 19, 1882.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6187) to amend the act entitled "An act to repeal the discriminating duties on goods produced east of the Cape of Good Hope," approved May 4, 1882.

ORDER OF BUSINESS.

Mr. STEELE. The objection to my bill has been withdrawn and I ask that it be now passed. The bill has already been read.

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

The title of the bill was read, as follows:

A bill (H. R. 6684) authorizing the muster in and discharge of Henry Z. Blinn.

The SPEAKER. Is there objection to the consideration of this bill at this time?

Mr. COX, of North Carolina. I object.

COMMITTEE FOR FUNERAL OF MR. ORTH.

The SPEAKER announced the following as the members of the committee on the part of the House to unite with a similar committee on the part of the Senate to constitute the funeral escort at the burial of the late Mr. Orth, of Indiana:

Mr. CALKINS of Indiana, Mr. PEIRCE of Indiana, Mr. STEELE of Indiana, Mr. MATSON of Indiana, Mr. DAVIS of Illinois, Mr. URNER of Maryland, and Mr. REESE of Georgia.

Mr. WISE, of Virginia. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALDRICH: The petition of the Chicago Board of Trade, for the enactment of a judicious and carefully considered national bankrupt law—to the Committee on the Judiciary.

Also, the petition of Conrad Seipp, of Chicago, for reduction in or repeal of the tax on beer—to the Committee on Ways and Means.

Also, the petition of the tobacco manufacturers of Chicago, representing 2,000 workingmen, for removal of taxes upon tobacco, cigars, &c., and for rebate on all full packages—to the same committee.

By Mr. DARRALL: The resolutions adopted by the Republican Congressional committee of the fifth district of Louisiana, for the repeal of the land grant to the Vicksburgh, Monroe and Shreveport Railroad of Louisiana—to the Committee on the Judiciary.

By Mr. DEERING: The petition of citizens of the State of Iowa living in the fourth Congressional district, for a reduction in internal-revenue tax on distilled spirits and tobacco—to the Committee on Ways and Means.

By Mr. GODSHALK: Paper relating to the pension claim of Theodore W. Bean, late captain Seventeenth Pennsylvania Cavalry and brevet lieutenant-colonel United States volunteers—to the Committee on Invalid Pensions.

By Mr. HUTCHINS: The petition of James W. Husted and others, for the enactment of a law to make all qualified physicians equal before the law in the Government service, including the Army and Navy—to the Committee on the Judiciary.

Also, the petition of J. & S. Kuntz and 250 others, of New York, for the application by contract of the grant of \$400,000 made by Congress four years ago for the improvement of the Harlem River—to the Committee on Commerce.

By Mr. KELLEY: The petition of Charles C. O'Neil, for increase of pension—to the Committee on Invalid Pensions.

By Mr. LACEY: The petition of the tobacco manufacturers of Detroit, of the cigar manufacturers of Detroit, and of tobacco dealers in the United States, relating to the proposed repeal of or reduction in the tax on tobacco—severally to the Committee on Ways and Means.

By Mr. MATSON: The petition of Pleasant Minet and 184 others, citizens of Monroe County, Indiana, asking that the law of limitation as to arrears of pension be repealed, and that the bounties of Union soldiers in the war of the rebellion be equalized—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. MORSE: Papers relating to the pension claim of Ann Smith—to the Committee on Invalid Pensions.

By Mr. MURCH: The petition of Cobb, Wight & Co. and 19 others, dealers in tobacco in the State of Maine, for rebate on stock on hand equal to any reduction that may be made in the tax on tobacco—to the Committee on Ways and Means.

By Mr. ROSECRAWS: The resolutions adopted by the San Francisco Produce Exchange, and petition of 96 business firms, corporations, and individuals resident in the city of San Francisco, California, recommending the erection of a new post-office building and purchase of site therefor in that city—severally to the Committee on Public Buildings and Grounds.

By Mr. SHERWIN: The petition of 154 citizens of Aurora, and of 22 citizens of Shabbona, Illinois, for such revision of the tariff as shall place lumber on the free list—to the Committee on Ways and Means.

By Mr. SMALLS: The petition of J. W. Collins and 6 others, for relief—to the Committee on Military Affairs.

By Mr. A. HERR SMITH: The petition of citizens of Lancaster County, and of James Hartman and 56 others, citizens of West Cocalico, Lancaster County, Pennsylvania, for increase of duty on Sumatra tobacco—to the Committee on Ways and Means.

Also, the petition of John Fritz and others, citizens of Marietta, Lancaster County, and of J. L. Metzger and others, citizens of Lancaster, Pennsylvania, for the repeal of or reduction in the tax on tobacco, and for a rebate equal to any reduction that may be made—to the same committee.

By Mr. AMOS TOWNSEND: The petition of J. Schriber & Co. and others, of Cleveland, Ohio, for a rebate in the tax on tobacco in case a reduction is made—to the same committee.

By Mr. WADSWORTH: Two petitions of inspectors of customs, port of New York, for relief—severally to the Committee on the Judiciary.

By Mr. YOUNG: The petition of William H. Wiggins and others, ex-soldiers and sailors of Miami Township, Hamilton County, Ohio, protesting against the repeal of internal-revenue taxes—to the same committee.

SENATE.

WEDNESDAY, December 20, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
 The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 303) respecting the administration of justice in Tunis was read twice by its title, and referred to the Committee on Foreign Relations.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the harbor, pilot, and other charges to which American and foreign vessels are subject under State laws, and the taxation upon ship owners; which was referred to the Committee on Commerce and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting the report of the Superintendent of the Coast and Geodetic Survey for the year ending June 30, 1882; which was referred to the Committee on Printing.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to resolutions of the 6th and 8th instants, a letter from the Commissioner of Pensions, containing