

munication from the Secretary of the Treasury which I desire to have printed.

The House divided; and there were—ayes 41, noes 36.

So the motion was agreed to; and accordingly (at 5 o'clock and 30 minutes 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. BAGLEY: Petition of Betsey Crandall, for increase of pension—to the Committee on Pensions.

By Mr. W. W. CULBERTSON: Petition of B. T. Hayden and others, praying for pay for an independent company's service in Bath County, Kentucky—to the Committee on War Claims.

By Mr. CULLEN: Petition of members of the Grand Army of the Republic, of Ottawa, Ill., against any change in the law establishing pension agencies, and for the continuance of such agencies as they now exist—to the Committee on Invalid Pensions.

By Mr. EVERHART: Petition and protest of proprietors and employes of Yeadon Mills, Chester, Pa.—to the Committee on Ways and Means.

Also, petition and protest of proprietors and employes of the Irving and Lieper Manufacturing Company, of Chester, Pa.—to the same committee.

Also, petition and protest of the proprietors and employes of the Griswold Worsted and Silk Company (limited) of Darby, Delaware County, Pennsylvania—to the same committee.

By Mr. FERRELL: Petition of citizens of Bridgeton, N. J., asking legislation on the restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. HALSELL: Papers relating to the claim of Salmons, Wooten & Co., for compensation for property taken and used by the United States Army during the late rebellion—to the Committee on War Claims.

By Mr. HANBACK: Petition of members of the bar of Kansas, asking for increase of salary to judges of district and circuit courts—to the Committee on the Judiciary.

Also, papers relating to H. R. 3191—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Joint resolution of the Legislature of Iowa, asking legislation for the suppression of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. HEPBURN: Memorial and joint resolution of the General Assembly of the State of Iowa, relating to the prevention and suppression of pleuro-pneumonia in neat cattle—to the same committee.

By Mr. KASSON: Petition of Post No. 17, Grand Army of the Republic, Department of Iowa, for passage of an act granting one hundred and sixty acres of land to all honorably discharged soldiers of the United States—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. KLEINER: Petition of C. C. Mason Post, No. 235, Grand Army of the Republic, of Grand View, Ind., asking for bounty, back pay, and land-warrants—to the same committee.

Also, paper relating to the bill to grant a pension to John Coombes—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of C. V. R. Pond and 45 others, citizens of Quincy, Mich., in favor of the establishment of a branch of the National Home for Disabled Volunteer Soldiers in the State of Michigan—to the Committee on Military Affairs.

By Mr. MORSE: Petition protesting against the present coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. MURPHY: Petition of Michael Murphy and others, citizens of Muscatine, Iowa, asking an appropriation for the employment of sufficient clerical assistance to enable the early payment of claims for rebate of tobacco tax—to the Committee on Appropriations.

Also, petitions of citizens of Delmar Junction and of Maquoketa, in the State of Iowa, for the amendment of the Chinese restriction act—severally to the Committee on Foreign Affairs.

Also, memorial and joint resolution of the General Assembly of Iowa, asking for legislation to prevent and suppress pleuro-pneumonia in neat cattle—to the Committee on Agriculture.

Also, joint resolution of the General Assembly of Iowa, requesting the enactment of a law providing that judgments in the Federal courts shall not be a lien upon the property in any other counties than those in which such judgments may be recovered unless a transcript shall be filed in the county where it is sought to make such judgments liens—to the Committee on the Judiciary.

Also, joint resolution of the Iowa General Assembly, requesting legislation to regulate and control the transportation of freight and passengers on all lines of railroads in the United States engaged in interstate commerce—to the Committee on Commerce.

By Mr. PETERS: Petition of members of the bar of Sumner County, Kansas, asking for increase of salaries for United States judges—to the Committee on the Judiciary.

Also, petition, of similar import, of members of the bar and others of Pawnee County, Kansas—to the same committee.

Also, petition, of similar import, of members of the bar and others of Wyandotte County, Kansas—to the same committee.

By Mr. OSSIAN RAY: Papers relating to the claim of Lieut. Col. James C. Duane—to the Committee on Claims.

By Mr. REED, petition of 200 firms, ship-owners, ship-masters, and pilots, and others interested, praying for the restoration of Portland Head light—to the Committee on Appropriations.

Also, petition, of similar import, of 23 fishermen and ship-owners of Peak's Island, Maine—to the same committee.

Also, petition, of similar import, of 25 ship-owners of Saco, Me.—to the same committee.

Also, petition, of similar import, of 55 ship owners and masters of Millbridge, Me.—to the same committee.

Also, petition, of similar import, of 22 ship owners and masters of Castine, Me.—to the same committee.

Also, petition, of similar import, of 39 ship-masters and ship-owners of Eastport and Lubec, Me.—to the same committee.

Also, petition, of similar import, of 56 ship-owners, &c., of Kennebunkport, Me.—to the same committee.

Also, petition, of similar import, of 111 ship-owners, &c., of Bath, Me.—to the same committee.

Also, petition, of similar import, of 40 ship-owners, &c., of Bangor, Me.—to the same committee.

Also, petition, of similar import, of ship-owners, &c., of Rockland, Me.—to the same committee.

Also, petition, of similar import, of 55 ship-owners, &c., of Booth Bay, Me.—to the same committee.

By Mr. STONE: Petition of mayor of Salem, Mass., for improvement of harbor—to the Committee on Rivers and Harbors.

By Mr. TILLMAN: Memorial of sundry citizens of South Carolina, praying for an additional appropriation to complete the improvement of the Big Salkehatchie River—to the same committee.

By Mr. WASHBURN: Petition of 437 citizens of Minnesota, for a constitutional amendment prohibiting disfranchisement of United States citizens on account of sex—to the Committee on the Judiciary.

By Mr. MILO WHITE: Petition of Mrs. L. Mary Wheeler and others, citizens of Minnesota, 95 women and 94 men, for a sixteenth amendment—to the same committee.

Also, petition of Mrs. Mary E. Campbell and others, citizens of Minnesota, 144 women and 129 men, for a sixteenth amendment—to the same committee.

By Mr. WILLIS: Resolutions of George H. Thomas Post, No. 6, Grand Army of the Republic, of Louisville, Ky., protesting against changing the present method of paying pensions—to the Committee on Invalid Pensions.

#### SENATE.

MONDAY, March 17, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States; which was read, and, with the accompanying report, referred to the Committee on Appropriations, and ordered to be printed, as follows:

*To the Senate and House of Representatives:*

I transmit herewith for the consideration of Congress a communication from the Secretary of War, of the 12th instant, and accompanying papers, requesting an appropriation of \$230,869.44 for the erection at the Presidio of San Francisco of additional buildings at headquarters military division of the Pacific, rendered necessary in consequence of the proposed increase of the garrison by removal of troops from points in San Francisco Harbor.

EXECUTIVE MANSION, March 14, 1884.

CHESTER A. ARTHUR.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with the provisions of section 194 of the Revised Statutes of the United States, a list embracing the names of the clerks and other persons employed in the several bureaus in that Department during the calendar year ended December 31, 1883, and showing the time each was actually employed, and the sums paid to each.

The PRESIDENT *pro tempore*. The letter will be printed if there be no objection, and with the accompanying list—the Chair does not feel authorized to direct the printing of the names of these persons—to be referred to the Committee on Finance. If the committee think it desirable to print the list, they can report accordingly.

He also laid before the Senate a communication from the Secretary of War, transmitting report of the Chief of Engineers, submitting a report from Maj. W. R. King of the results of surveys made to ascertain the cost of placing locks and dams on the Cumberland River from Nashville, Tenn., to the Cincinnati Southern Railroad in Kentucky, made in compliance with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report from the Chief of Engineers, submitting a report from Maj. A. N. Damrell of the results of a survey of the harbor at Cedar Keys, Fla., and of the shoal between Dauphin Island and Cedar Point, Ala., made with a view to the improvement of navigation between the waters of Mobile Bay and other places on the Gulf of Mexico, to comply with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying papers, 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 Interior, transmitting, in answer to a resolution of the 14th ultimo, a letter of the Acting Commissioner of the General Land Office, with copies of the principal reports and correspondence on file in his office upon the subject of the unauthorized fencing of the public lands; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. SAWYER presented resolutions of the Chamber of Commerce of Milwaukee, Wis., in favor of repealing the law authorizing the coinage of silver dollars; which were referred to the Committee on Finance.

Mr. ALLISON presented a joint resolution of the General Assembly of Iowa; which was read, and referred to the Committee on Agriculture and Forestry, as follows:

[Joint resolution No. 7.]

Memorial and joint resolution of the General Assembly of the State of Iowa, relating to the prevention and suppression of pleuro-pneumonia in neat cattle.

Whereas the disease in neat cattle known as pleuro-pneumonia or lung-plague has been shown by the experience of foreign nations to be a virulent poison of the most contagious character; and

Whereas it has destroyed the business of cattle production and desolated the cattle interests in Australia, the Cape of Good Hope, and other British possessions, as well as in many European nations from which it has not been excluded by the most stringent police regulations; and

Whereas this disease is known to have gained a foothold in several of the States east of the Alleghany Mountains, and to-day threatens, through the commerce in cattle between the Eastern and Western States, not only the cattle ranges of the Western Territories, but the millions of capital involved in the stock business of the West: Therefore,

Resolved, That our Senators in Congress be instructed and our Representatives in Congress be requested to do their utmost to secure legislation to prevent and suppress pleuro-pneumonia in neat cattle in the United States, and especially to prevent its spreading from districts now infected to the cattle-producing fields and ranges of the West.

Resolved, That the secretary of state be requested to furnish a copy of this memorial to each of the Senators and Representatives of the State of Iowa.

Approved March 6, 1884.

I hereby certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State by me affixed.

[SEAL.]

JAS. HULL, Secretary of State.

Mr. CAMERON, of Wisconsin, presented resolutions adopted by the Chamber of Commerce of the city of Milwaukee, Wis., in favor of the passage of the pending bill to promote the efficiency of the Revenue-Marine Service; which were referred to the Committee on Commerce.

Mr. MILLER, of California. I present a petition of the Citizens' Association of Sacramento, praying Congress to instruct the Secretary of War to expend the \$250,000 already appropriated for the improvement of the Sacramento and Feather Rivers, California. I desire to ask the attention of the chairman of the Committee on Commerce to this petition, and I would suggest, as it is a matter of considerable importance, that it would be well perhaps for the committee to confer with the Secretary of War and to know his reasons for not expending the sum which has already been appropriated. I merely make that suggestion. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. DAWES presented the petition of B. G. Boardman, George D. Dodd, Henry J. Lazor, and others, merchants and representatives of varied commercial interests in the city of Boston, Mass., representing the alarming condition and extent of the coinage of silver at the present time, and praying for the repeal of the law in relation thereto; which was referred to the Committee on Finance.

Mr. McMILLAN presented a petition of Warin A. Sutherland, M. E. Collins, Mrs. E. D. Chapman, Mrs. E. R. Brace, A. B. Gordon, and others, 42 citizens of Minnesota, praying for the passage of a sixteenth amendment to the Constitution of the United States prohibiting the States from disfranchising citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. MILLER, of New York, presented a petition of nearly 200 citizens of Albany, N. Y., praying for the suspension of the coinage of the standard silver dollar; which was referred to the Committee on Finance.

Mr. PALMER presented the petition of Mrs. R. M. Young, Phoebe Cole, Mrs. Sarah Richardson, William Richardson, B. C. Sargent, Mrs. R. M. Kelly, and 366 others, citizens of the State of Michigan, praying for the passage of a sixteenth amendment to the Constitution of the United States prohibiting the States from disfranchising citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. GARLAND presented a petition of 700 citizens of Eureka Springs, Ark., and a petition of members of the Grand Army of the Republic, at Eureka Springs, Ark., praying for the establishment of a soldiers' home at that place; which were referred to the Committee on Military Affairs.

Mr. VEST presented resolutions of the Merchants' Exchange of Saint Louis, Mo., and of a meeting of bankers, capitalists, and others, citizens of that place, in favor of legislation extending the bonded period on whisky; which were referred to the Committee on Finance.

He also presented a petition of public officers and citizens of Jackson County, Missouri, praying that a pension be granted by act of Congress to Robert Baxter, an ex-Union soldier; which was referred to the Committee on Pensions.

He also presented a petition of Samuel A. Ballard, of Gentry County, Missouri, praying for legislation extending the time for filing claims for arrears of pensions; which was referred to the Committee on Pensions.

Mr. VOORHEES presented a petition of William H. Corbaley and 64 other ex-Union soldiers of Indiana, praying for the equalization of their bounties and other measures of relief; which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Charles W. Heath Post, No. 109, Grand Army of the Republic, of East Enterprise, Switzerland County, Indiana, and resolutions adopted by the George W. Rader Post, No. 119, Grand Army of the Republic, of Middletown, Ind., in favor of the equalization of the bounties of the soldiers of the late war and other measures for their relief; which were referred to the Committee on Military Affairs.

Mr. MANDERSON presented the petition of Mary A. Kendall, Mattie J. Campbell, Laura H. Lewis, F. F. Campbell, and others, 78 citizens of Arlington, Nebr., praying for the adoption of a sixteenth amendment to the Constitution of the United States prohibiting the States from disfranchising citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. BLAIR presented the petition of George Tilden and other citizens of Keene, N. H., praying an appropriation for education in Alaska; which was referred to the Committee on Education and Labor.

Mr. CONGER. I present the petition of Mary A. Darling, of Vicksburg, Mich., praying for the adoption of a sixteenth amendment to the Constitution of the United States prohibiting the States from disfranchising citizens on account of sex. This petition is from a lady of Michigan who represents the views of a considerable number of my constituents on this subject. I move that it be referred to the Select Committee on Woman Suffrage, and ask that it may have early consideration.

The motion was agreed to.

Mr. COCKRELL presented the petition of Virginia L. Minor, Fannie M. Bagby, E. S. Fish, Rev. Joseph H. Foy, Dr. H. Tyler Wilcox, Dr. M. Adelaide Greennan, Dr. E. U. Scott, J. B. Merwin, Margaret A. Merwin, Mrs. E. P. Johnson, and 310 other citizens of Saint Louis, Mo., praying for the adoption of a sixteenth amendment to the Constitution of the United States prohibiting the States from disfranchising citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. BROWN. I present resolutions unanimously adopted by the Georgia State Agricultural Society. At its late session at Savannah the society resolved unanimously:

That this convention of delegates, representing the agricultural associations of the State of Georgia, with an earnest desire to elevate the pursuit of agriculture on a full and recognized equality in civil and political character with any and all honorable callings and professions of high order, do hereby most respectfully and earnestly petition Congress, now in session, to take such action as may be necessary to place the Department of Agriculture on an equal footing with each and all of the Executive Departments of the Government.

I move that the resolution be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on Claims, to whom was referred the bill (S. 214) for the relief of Maria E. Warfield, to report adversely thereon, and I ask that the bill be indefinitely postponed.

Mr. BECK. I should like to have that bill placed on the Calendar. The PRESIDENT *pro tempore*. It will be placed on the Calendar, objection being made to its indefinite postponement.

Mr. VEST. Let the bill go on the Calendar.

Mr. BECK. I made a mistake. I thought I introduced the bill.

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

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 663) to pay to Julia A. Nutt, widow and executrix of Haller Nutt, deceased, the amount of money reported by the Quartermaster-General to be due her, submitted a report thereon, accompanied by a bill (S. 1851) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased; which was read twice by its title.

Mr. HOAR. I am directed by the Committee on the Judiciary, to which were committed sundry bills raising and readjusting the salaries of the judges of the United States district courts and sundry petitions and communications in regard to the same subject, to report an original bill.

The bill (S. 1852) fixing salaries of the several judges of the United States district courts at \$5,000 per annum was read twice by its title.

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

Mr. HOAR. I desire to say before the bill is disposed of that from a large majority of the judicial districts of the United States there have been petitions and letters and other communications, addressed either to the Senate or to individual Senators, in regard to the matter of the judges' salaries. In the last Congress the Judiciary Committee caused letters to be addressed to the various judges in the United States, with a view of learning the amount of business, the number of cases, and the number of days occupied by the judges in their several courts; and when that information came back the committee reported a bill which was based on the theory of raising to \$5,000 the salaries of those judges who seemed to be occupied in the labors of their office substantially the whole year and leaving untouched nearly or quite all the others. In one or two instances there was an increase of salary proposed from \$3,500 to \$4,000. The present salaries are all at the rate of \$3,500 or \$4,000 a year, with the exception of the district judge in California, who receives \$5,000 a year. The judge of the southern district of New York, where there is a vast admiralty jurisdiction, where if there should be a war the prize jurisdiction would be chiefly exercised, and the judge in Boston and in Philadelphia and in New Orleans each receives only the sum of \$4,000 a year.

The committee, having reported a bill on the principle which I have stated, receive from a good many districts from which no information had come additional information, and it turns out that in certainly thirty-four of the fifty judicial districts of the United States the judges employ substantially the whole year and in a great many of them the assistance of judges of other districts is imperatively required. There are two or three districts in regard to which the committee have not information which would justify them in declaring that the judges are occupying their whole year; still from those districts there comes a pressure for an increase. So there are only about thirteen or fourteen districts which do not seem to require on the principle stated the increase of salary to \$5,000. Now, in regard to those districts it is urged with great force on the part of the judge that he is liable at any time to have cases of great magnitude, interest, and intricacy, requiring the same judicial capacity and independence, weight, confidence in the community toward the judge which is required in those districts where the judges employ the whole year, and these judges are also under the law liable to be called upon to go to other districts to aid judges who are fully employed all the year round and who are not able to dispose of their business themselves.

Then in addition to that the district judge is always expected to engage in no other business. Of course he can not practice law; and it would be considered a great impropriety for him to engage in any manufacturing, commercial, or other business; so that his life is set aside and sequestered for this particular duty.

It has seemed therefore to the committee, there being so small a number of judges now unemployed any part of the year, that it was proper to raise the salaries of all the district judges to \$5,000 per annum. That is the bill which has been reported, and I understand that in another legislative body for whose determination we have great respect the Judiciary Committee have come to the same conclusion.

I thought it proper, as there was so general an interest in the subject, to make this explanatory statement at this time.

Mr. MCMILLAN. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 504) for the relief of John Silsby and others, purchasers of the "Weaver tract" lot of land in the city of Selma, State of Alabama, to report it adversely and move its indefinite postponement.

Mr. MORGAN. I ask that the bill go on the Calendar.

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

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 1303) to grant the right of way over the public lands of the United States to the Lost Lake and Mount Hood Improvement Company, reported it without amendment.

Mr. HILL, from the Committee on Public Lands, to whom was referred the bill (S. 1695) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians, reported it with amendments.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1543) for the relief of Wilbur F. Steele, reported it with an amendment.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 1331) making appropriation for the relief of the First National Bank of Newton, Mass., reported it with amendments, and submitted a report thereon.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 1472) to permit the owners of certain vessels and cargoes to sue the United States in the Court of Claims, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1076) granting to the district judge of the eastern district of Virginia specific compensation for specific services rendered by him, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GARLAND. I am also directed by the Committee on the Judiciary, to whom was referred the bill (S. 1320) for the relief of Mrs.

Emily Miller, to report it back adversely. I ask, in the absence of the Senator who introduced the bill [Mr. LAMAR], that it may go on the Calendar. This report is made in accordance with reports on the same matter heretofore made, but if the Senator can show any reason why the case should come out of the rule, we are willing to hear it. I ask that the bill be placed on the Calendar.

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

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 1312) providing for two additional associate justices of the supreme court of the Territory of Dakota, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1096) for the relief of Daniel H. B. Davis, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 542) for the relief of John Fletcher;

A bill (S. 831) for the relief of Dr. Robert Carter; and

A bill (S. 758) for the relief of William L. Nance.

Mr. CAMERON, of Wisconsin. I am also directed by the Committee on Claims, to whom was referred the bill (S. 381) for the relief of William R. Testerman, to report it adversely.

Mr. COCKRELL. Let that be placed on the Calendar until I can examine the report.

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

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 1397) for the relief of George Maxwell, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (S. 401) for the relief of the Protestant orphan asylum of Natchez, in the State of Mississippi, reported it with an amendment, and submitted a report thereon.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 896) for the relief of Pearson C. Montgomery, of Memphis, Tenn., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 492) for the relief of Sallie Jarratt, executrix of Gregory Jarrett, deceased, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 754) in regard to the conveyance and devise of real estate in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1625) for the relief of William Bowen, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1485) to amend the laws relating to land titles in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (S. 1326) to compel the prosecution of proceedings in bankruptcy to a final decree, reported it with an amendment.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the bill (S. 1047) for the relief of Wesley Montgomery, reported it with an amendment, and submitted a report thereon.

#### AMENDMENTS TO THE RULES.

Mr. HARRIS. I am directed by the Committee on Rules, to whom was referred Miscellaneous Document No. 61, being a resolution to amend the rules, to report it with a recommendation that it be adopted, and I ask for its present consideration.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the seventh rule of the Senate be amended by adding thereto the following words:

"The presiding officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate."

The PRESIDENT *pro tempore*. The Senator from Tennessee asks for the present consideration of this resolution. Is there objection? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HARRIS. I am directed by the same committee to report back with a recommendation for its adoption the following resolution:

*Resolved*, That the eighth rule of the Senate be amended by adding thereto the following words:

"All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate."

I ask for the present consideration of the resolution.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HOAR. I think that is an amendment to the rules. I hope it will lie over one day.

The PRESIDENT *pro tempore*. It will be placed on the Calendar.  
Mr. HOAR. It is a very important matter.  
Mr. HARRIS. I am directed by the same committee to report the following resolution:

*Resolved*, That the tenth rule of the Senate be amended by adding thereto the following words:  
"And all motions to change such order shall be decided without debate."

I ask the consent of the Senate to consider at this time this resolution, if there be no objection.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. ALLISON. Why not have that go over?

Mr. HARRIS. Let the Chief Clerk read the last clause of Rule X and then read the amendment made by the resolution.

The PRESIDENT *pro tempore*. Is there objection?

Mr. COCKRELL. Let it be reported first.

The PRESIDENT *pro tempore*. It will be read for information.

The CHIEF CLERK. If amended as proposed the last clause of Rule X would read:

2. When two or more special orders have been made for the same time they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate; and all motions to change such order shall be decided without debate.

Mr. HOAR. I understand that one of the proposed changes in the rules was agreed to without debate.

The PRESIDENT *pro tempore*. The one in reference to laying papers from the President or the other House before the Senate at any particular time was agreed to.

Mr. HOAR. I should like to have them all go over one day. I have no doubt they are all right, but there may be some addition suggested.

The PRESIDENT *pro tempore*. This resolution will go over. Does the Senator from Massachusetts move to reconsider the vote agreeing to the first resolution?

Mr. HOAR. No; I can make the motion to-morrow if it is necessary.

#### BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 1853) to consolidate the present collection districts in the United States, and for other purposes; which was read twice by its title.

Mr. BECK. I desire to say a word in relation to this bill, to carry out what was recommended by the Secretary of the Treasury in his last annual report. After a careful examination of that report, and after consultation with the chairman of the Committee on Commerce, the Senator from Minnesota [Mr. McMILLAN], and also the chairman of the Committee on Appropriations, the Senator from Iowa [Mr. ALLISON], the Department was sent to for information as to the best mode of accomplishing the object. A proper officer was sent by the Secretary, and after a good deal of examination by the Senator from Iowa and myself we determined to ask the Department to draw such a bill as was thought competent to accomplish the purpose. The Senator from Minnesota, the chairman of the Committee on Commerce, believed that all such bills went to his committee. We thought so too. All I desire to say now is, and I am requested to say that by the chairman of the Committee on Appropriations, that we hope prompt action will be had by the Committee on Commerce in regard to the bill, because until some law is passed, if it is thought best to pass any, nothing can be done by the Committee on Appropriations to provide for the changes here made until the districts are fixed by the Committee on Commerce.

I move the reference of the bill to the Committee on Commerce. It has been prepared at the Treasury Department, as I have stated.

The motion was agreed to.

Mr. PLUMB introduced a bill (S. 1854) granting a pension to William D. Esley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1855) granting a pension to John F. Hickey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 1856) for the relief of Francis J. Wheeler, assignee of William Schafnagle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 1857) appropriating one mounted brass field gun to the city of Wyandotte, Kans., in lieu of one taken by the United States Government in the year 1861; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 1858) to increase the pension of Henrietta A. Lewis, widow of Capt. Robert F. R. Lewis, United States Navy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 1859) granting a pension to Clarinda S. Hillman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 1860) for the relief of Richard Phenix; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. ALLISON introduced a bill (S. 1861) for the relief of the Atlantic Alcohol Company, of Atlantic, State of Iowa; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1862) for the relief of the heirs of John W. West; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 1863) for the relief of Robert C. Murphy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

#### AMENDMENT TO AN APPROPRIATION BILL.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

#### CREDENTIALS.

Mr. WILLIAMS presented the credentials of JOSEPH C. S. BLACKBURN, chosen by the Legislature of Kentucky a Senator from that State for the term beginning March 4, 1885; which were read, and ordered to be filed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 433) to increase the pension of Simpson Harris;  
A bill (H. R. 439) granting a pension to Bridget Sherlock;  
A bill (H. R. 759) granting a pension to Patrick Droney;  
A bill (H. R. 3663) granting a pension to John T. Marshall;  
A bill (H. R. 3681) granting a pension to William L. Sloan;  
A bill (H. R. 3737) granting a pension to Ann McLaughlin;  
A bill (H. R. 3838) granting a pension to Theodore C. Hawkins;  
A bill (H. R. 4164) for the relief of Ellen Morgan;  
A bill (H. R. 4188) granting a pension to William W. Day;  
A bill (H. R. 4431) granting a pension to Leroy C. Rankin;  
A bill (H. R. 825) granting a pension to William J. Barker;  
A bill (H. R. 1389) for the relief of Myron E. Dunlap;  
A bill (H. R. 1756) granting a pension to George Overmire;  
A bill (H. R. 2136) granting an increase of pension to Merlin C. Harris;

A bill (H. R. 2252) for the relief of Christopher P. Davidson;  
A bill (H. R. 2267) granting an increase of pension to Samuel C. Wright;

A bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg;  
A bill (H. R. 4697) for the relief of Rudolph John Marti;  
A bill (H. R. 4717) for the relief of John Swearer;  
A bill (H. R. 4718) for the relief of Caroline Sheward;  
A bill (H. R. 4981) granting a pension to Isabella I. Ramsdell;  
A bill (H. R. 5257) repealing an act entitled "An act for the relief of William McKean;" and  
A bill (H. R. 5258) granting a pension to Thomas Cheshire.

#### UNDISPOSED OF PENSION CLAIMS.

Mr. HOAR. I ask for the present consideration of the following resolution:

*Resolved*, That the Secretary of the Interior be directed to report to the Senate the names of all pending applications for pensions in which the original applications have been pending for more than two years, with the condition of the same, and reasons why the same have not been finally disposed of.

Mr. INGALLS. I think that had better lie over until to-morrow.

The PRESIDENT *pro tempore*. The resolution will lie over.

Mr. HAWLEY. Will the Senator who offered that resolution have it referred to the Committee on Pensions? I should like to hear their opinion on the subject.

The PRESIDENT *pro tempore*. The resolution will come up to-morrow, objection being made to its consideration to-day.

Mr. HAWLEY. I will make the suggestion to-morrow.

Mr. INGALLS. I withdraw the objection if it is desired to refer the resolution.

Mr. HOAR. It seems to me the resolution might as well be dealt with at one time as another. I suppose there is no member of the Senate, and probably but few members of the House, whose mail is not filled—I have sometimes half a dozen or a dozen a day—with applications for information in regard to the condition of old pension claims. We have relieved that somewhat; but still the applications come. A man says, "I filed my application ten years ago and I have not heard of it for three years," or "I did what I was directed by the office to do two years ago, and since then I have heard nothing;" and so on.

I know this will be a matter of some cost to the Department, but not a great deal. It seems to me that there should be made this list of pending applications, all those which are more than two years old. The statement simply "awaiting further evidence," or whatever brief statement the Commissioner will find necessary to convey to us why the matter is not disposed of, will give great relief to the Senate, great relief to the Department, and great relief to the pension applicants. If the

Senator from Connecticut will see that his committee deals with it at once—

Mr. HAWLEY. I am not upon the Committee on Pensions.

Mr. HOAR. Or if any member of the Pension Committee will attend to it, I have no objection to the reference.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. HARRIS. I should like to ask the Senator from Massachusetts if in his opinion it would not be well to refer the resolution to the Committee on Pensions in order that that committee may inquire and ascertain at least an approximate estimate of the amount of clerical labor that would be involved in answering his resolution, in order that we may determine whether or not we can better afford the inconvenience of the inquiries he suggests than to require that report to be made by the Pension Office.

Mr. HOAR. I have no objection to that fact being ascertained and inquired into if any Senator thinks best. In my judgment it is not at all necessary to do that, because every Senator must know there is some limit to the expense. But it makes no difference what the expense is; it would be cheap at \$50,000, and it certainly can not cost \$5,000 to have this thing done. Then all the applicants for pensions whose applications are more than two years pending will know the condition of their particular claim by sending to us and getting a copy of this document, and a Senator can at once answer by looking at the document. If it were to cost \$25,000 the salutary effect and relief to the Senate and relief to the pension claimants would be very great.

There are few things in this world more tragical than the history of these pension cases. There is not any tragedy which can be put upon the stage which ought to move the feelings of a right-minded man, and especially of an American legislator, like the stories which come to us day after day and week after week and month after month and year after year, of the hope deferred, of the poverty, the sorrow, the agony of those men and the widows and orphans of the men who have given their life and health and strength and the best part of their manhood to the safety of this country.

We have done something to relieve this pressure in the Pension Office, but it still continues, and it is a reproach and disgrace to American legislation and American administration that it does continue. I impute no fault to the Commissioner of Pensions or to the Secretary of the Interior; but whether this cost \$50, or \$50,000, or a million dollars, it ought to be done, in my judgment. If any Senator thinks he will be prepared to vote more intelligently by knowing whether it will cost \$5,000 or \$7,500, I make no objection to the reference.

Mr. HARRIS. For one I would prefer the resolution going to the Committee on Pensions and being investigated by that committee, but I shall make no motion if the Senator who moves the resolution prefers that it should not be referred.

Mr. SHERMAN. I think it had better be referred.

Mr. BLAIR. What the Senator from Massachusetts says is very true that this is a subject of national disgrace and it is in fact and emphatically a system of prolonged murder inflicted by the nation by a process of slow starvation upon these people. That is very true; but the resolution which he has introduced here calling on the Pension Office for an account of the status of all the claims filed more than two years ago will I think delay the adjudication and adjustment of the pending cases. The resolution must cover at least two-thirds, probably three-fourths, of the pending cases—225,000 or 250,000 cases at least. It would I was about to say prevent the adjudication of existing cases by a delay of several months, in my belief.

I think if the Senator has observed the replies which the Pension Bureau makes to the letters of inquiry which are so touching and to which he alludes, he will have seen that very considerable time is necessarily expended in reviewing the condition of each case and writing with that precision which is necessary if any good is to be done its exact condition. It is no use for us to send out in a big book that can be published probably in the course of a year a general statement of the condition of these cases, because nothing is of any service to anybody unless it gives to each specific applicant concerned that sort of information which will enable him to remedy the deficiencies of testimony which delay his case; that is, so far as the applicant is concerned. But then there is the amount of labor that would be imposed on the office. I think it would employ their entire clerical force for three months to prepare this information if it was to amount to anything, and it could not be circulated throughout the country in less than six months or a year beyond that.

But, Mr. President, the real trouble is in our legislation and in the provision which we have made for the adjudication of pension claims. Some years ago an effort was made in the Senate to radically change the method of investigation, which becomes more and more indispensable if we are ever to perform this duty as time wears on, in the kind of evidence which we rely upon and in the methods of its collection and consideration. In the adjudication upon questions of fact as they arise there is so much that is radically wrong, so contrary to the spirit of the common law and to those great principles which are applicable everywhere to the just investigation of questions of fact, that for my own part I have no patience whatever with the system.

Those who are charged with the administration of this system are able men. The *personnel* of the office is of a very superior quality. It is, as I think, indefatigable in its labors. There is no more competent gentleman in the country than the one who is now at the head of this bureau. He and his assistants do the uttermost that can be done with the system which they administer and with the difficulties which they encounter and with the amount of help which is provided. In order to relieve the Senator and other Senators from these piteous appeals, in order to do half justice to those who have legal claims under the pension laws against this Government, it would be necessary with the existing system to at least treble the force, and then thousands of these people would die from the effects of pain, starvation, and disease before their cases would be adjudicated. The resolution that is before the Senate, however, would make everything worse, if we adopt it and call upon the existing Pension Office force to comply with the request or demand of the Senate.

I do not believe there is any advantage in sending it to the Pension Committee for consideration, because the difficulties are patent to one who knows anything whatever about the system. But as it is suggested, I have no objection to the reference. As a member of the committee I think we might as well act on it at the present time.

Mr. DAWES. I have no doubt we have all experienced the trouble alluded to by my colleague and are all disposed like him to do what we can to meet the demand upon us by impatient and wearied applicants for pensions; but I think the great difficulty in which these applicants find themselves arises from the existence of claim agents about the city of Washington, who have gathered the applications by the thousands into their control, thousands and thousands. There are offices in this city that employ dozens of clerks and occupy large suites of rooms. They have sent out circulars all over the country to applicants for pensions or to those who thought possibly they might have a claim for pension, and have gathered them in and got control of more than they can manage, more than they can look after, and they have disappointed the applicants by the necessity which is upon them to put them off with general statements until at last they send out printed circulars to them telling them to call upon their member of Congress and ask him to go personally to the office or make personal application in some way, and intimate to them that the member of Congress can not decline their application. Thus they roll the work which they have assumed and for which they have received the legal fee upon the member of Congress, and the member of Congress is very glad to do it, and would be very much more willing to do it if he had been permitted to do it from the beginning. But the applicant has been led along by these generalities and professions of interest in his case into complex and conflicting and embarrassing statements of his claim, until the agent here, overwhelmed with his work, finds himself arraigned in the district court or before the Secretary of the Interior for malfeasance or negligence, and his work comes upon the member of Congress.

I do not know how practicable this measure of my colleague is, but I wish we could condense if not obliterate this system of claim agencies here in the city, and let the applicants for pensions, as those who have just and proper claims to press, understand and realize that they have a right to claim that their member of Congress can attend to such matters better for them than any claim agent who advertises for their patronage.

Mr. SAULSBURY. Mr. President, I do not see that the resolution of the Senator from Massachusetts [Mr. HOAR] will accomplish any good. Suppose the status of these claims is made public on the 1st day of April. Within three months the status of a great many of these claims will have been changed. The information we get will be simply the present condition of the claims, whereas in the course of two or three months there will be an entire change in a great many of the claims.

I have not found any difficulty when I have been written to in reference to these claims. I simply refer the letter of inquiry to me to the Commissioner of Pensions, and then I receive from him invariably a full statement in reference to the condition of the claim, which is inclosed to the petitioner, and it has never been a great deal of trouble to me. I do not have to run to the Pension Office to do that. I simply refer the letter I receive. I then get a response to that, which I mail to the party, giving him full information in reference to his claim.

But if we pass this resolution and expend this \$25,000 or more or less, as it may require, it will accomplish no good except for the present moment, because the clerical work of that office will change the status and condition of many of these claims within thirty days thereafter, and then you will not have to know exactly what is the condition of the claim at that subsequent date. So I do not think anything good is to be accomplished by this.

I concur with what was said by the Senator from Massachusetts who last addressed the Senate [Mr. DAWES], that much of the difficulty has originated from the claim agents and pension agents, who want to use the members of Congress to facilitate the business in their hands. I agree that if we could dispense entirely with these claim agents in reference to pensions there would be less difficulty. I want to say, however, that so far as I have had any business with the Pension Bureau under its present management or under its late management I have

always found the officers courteous and obliging, and when I have made an inquiry they have as promptly as they could replied to it and given me all the information necessary, which information I have transmitted to the party interested, and he is then put in possession of the status of his case fully.

Mr. CULLOM. Mr. President, I do not know that I have any serious objection to the resolution, but I think the more important thing for Congress to give its attention to in connection with the pension business is to make an appropriation that will enable the Commissioner of Pensions to more rapidly dispose of the cases that are now appealing to him for decision. I believe it is true that he has already called upon the Congress of the United States to make an appropriation sufficient to give him one hundred and fifty additional special examiners in the field. In my opinion we can do nothing better than to make a sufficient appropriation to give the Commissioner all the force that he needs, that he can work to any advantage, so that these cases may be disposed of, not only the cases which are in the hands of the claim agents scattered about the country, but there are hundreds and thousands of persons who are appealing to members of Congress directly from their homes in the different States and are not depending upon their employed agents, because in their opinion they have done as much for them as can be done.

The important thing is that we shall make a sufficient appropriation to enable the Commissioner of Pensions to send out into the field hundreds of men capable of disposing of these cases, to take the proof and make the examination, so that they can be disposed of, and whoever is entitled to a pension may get it without further delay. It is true that there are hundreds and thousands of these people who have been appealing for years for what they believe to be their due from the Government; and yet the Department here is so overwhelmed with the work that it is necessary for it to do that the Commissioner is not able to immediately send out an agent to make the examination, so as to determine whether the claimant is entitled to a pension or not.

It seems to me that the resolution offered by the Senator from Massachusetts would involve the office in a vast amount of work, and as the Senator from Delaware has said, it would amount to very little except for a very brief period of time. These things would come back again. The claimants would again appeal, after they had seen what the condition of their cases might be, after the report was made, and substantially it would be no benefit to the members of Congress in getting rid of the work that is imposed upon them by the claimants for pension.

I insist, as a member of the Committee on Pensions, that it is the duty of Congress, without delay, to make such an appropriation as will give all the people who are entitled thereto a hearing and an examination, so that they can have their pensions allowed if they ought to be.

Mr. INGALLS. I move to refer the resolution to the Committee on Pensions.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Senator from Kansas moves that the resolution be referred to the Committee on Pensions.

Mr. INGALLS. I do this, Mr. President, in absolute friendliness to the object that the Senator from Massachusetts avows, and, as it is not necessary for me to say, to the pensioners whose claims are pending.

In the first place, this information, if it could be obtained, would constitute a volume so bulky and inconvenient as to be practically inaccessible. A vast amount of time would be consumed in its preparation, great expense would be required to have the volumes printed and distributed, and when they were ready for distribution they would be worthless, because the condition of these cases is changing day by day. It is probable that in some of them additional information, evidence, affidavits, reports from agents in the field, are added to the files, so that to have any value as an authentic record of the condition of the cases it must be changed from day to day, like the Calendar of business before the Senate.

In this connection I wish, as one member of this body, in behalf of Congress and in defense of the Commissioner of Pensions, to absolutely disavow and repel the allegation that in consequence of the neglect or omission or carelessness or indifference of Congress or the Commissioner large numbers of those who deserve to receive pensions are starving and going to their death without a pension. No nation on earth has ever been so extravagantly generous in every particular connected with the pension-list as the Government of the United States. No nation ever had a pension-list on which was such a number of pensioners. No government ever had a pension-list that required such a vast annual distribution. To my knowledge the Commissioner of Pensions has never made a demand upon Congress for an appropriation no matter how large, for additional help in his office no matter to what extent it might go, that Congress has not immediately and actively responded with generosity and with alacrity. If the Commissioner of Pensions in his report recommends additional help, I have not the slightest doubt that if the Committee on Appropriations would submit to-day an appropriation for that purpose it would be promptly acted upon by Congress.

It is unjust, sir, it is without foundation, to allege that in consequence of the neglect of Congress thousands of men who are entitled to pensions are starving to death because we do not make the necessary

appropriation. It creates a wrong impression in the mind of the country. It creates a wrong impression in the mind of applicants. It is within the recollection of many upon this floor that within the last two years we made an annual appropriation for the payment of pensions that was forty or fifty million dollars more than could be expended under the increased force of the Commissioner of Pensions. So far as that officer is concerned I believe I am justified in saying that the current work of the office where the evidence has been furnished is practically not delayed; that there is not a case pending where the demands of the office for evidence have been complied with that can not be disposed of and either rejected or allowed within a space of one week thereafter.

The truth is that the great bulk of the original pension claims that are undetermined remain in that condition from the failure of the applicants to furnish the necessary evidence to support their claim and in consequence of the character of the evidence that is furnished through the various agencies which are soliciting pension claims for allowance here in this city and elsewhere. Such has been the extent to which this action has gone that the Commissioner of Pensions has been compelled, in sifting out and examining the evidence that has been furnished in order to ascertain whether it is entitled to confidence or not, to send out from the office a large number of men into the field to the locality or neighborhood where the pension applicant resides and where the witnesses are examined, to ascertain whether or not the facts justify and warrant the application that is on file. But in all the cases where the evidence has been furnished, where the affidavits and testimony that are required in support of the claim have been sent forward and placed on the files, there is no delay, and I trust that these allegations as to the ingratitude of this Government, as to the insufficiency of appropriations and the inefficiency of the Commissioner, will not be repeated, because they are without foundation and unjust.

Mr. BLAIR. Mr. President, the Senator's experience, obtained by way of correspondence and his observation, is very different from mine if he is not aware that thousands and thousands of applications, just applications, too, for pensions have failed to be allowed during the lifetime of the applicant. His knowledge upon this matter is different from mine if he does not understand that thousands of cases are pending now before the Pension Bureau five, ten, and even fifteen years old. It is a matter of every-day occurrence that applications for a pension, either for an invalid pension or a widow's or dependent mother's pension, simply fail to secure an allowance by reason of the death of the applicant pending the effort to furnish the evidence or to comply with the rules of the office.

I do not think that the Senator means to be understood that the evil and the suffering among the pension applicants (I mean those who have a just right to pension, to the bounty of the Government) does not exist. I sympathize fully with him in all that he says in vindication of the efficiency, the faithfulness, and zeal of the force which is employed; but I do say that upon the country (whether upon either branch of Congress particularly) does rest the onus of the principal difficulty in the case. When by law we provide these people with a legal right to the bounty, if you choose so to call it, of the Government, though I think it is but a just compensation for services rendered to the Government, we are bound to give them a practical system by the administration of which they can secure that right. We have not done that.

In the first place, alluding to the matter of the claim agents, their congregation in this city and in other large places, and their gathering to themselves to a great extent, massing in their own hands the control of these applications largely, that is primarily the fault of the Government, because we have denied to every one of these applicants the right of counsel; and how have we done that? We have said to the applicant, "You shall pay compensation," and to the counsel, "You shall receive compensation," only to a certain and a limited amount, such as will not give to any *bona fide* and competent assistant of these people in the locality where they live 25 or 50 cents *per diem* for the labor necessary to be expended as an agent of the applicant in the preparation of the case. Very many of these pension cases come to be as intricate and difficult of prosecution as ordinary lawsuits, and yet we say to them practically, "You shall have no counsel." Large numbers of them are an ignorant class of people, utterly incapable of complying with the requirements of the office which are necessary, as they deal only with written testimony, and oftentimes of a technical character, in order to secure, as far as they can, reliability in the testimony. They are utterly incapable to prepare their cases, and we say to them practically, "Unless you can get assistance in the way of charity from local attorneys you shall have none whatever." In that way we lay the foundation of the primary difficulty. I see that my time has about expired, and therefore I shall not go on to other points.

Mr. HOAR. There is not any limit of time.

The PRESIDING OFFICER. The Chair will remind the Senator from New Hampshire that he is not limited in time by rule.

Mr. BLAIR. I supposed that the five-minute rule was applicable.

In depriving these people of their constitutional right to counsel, which I say we do practically when we say that they shall not compensate their counsel properly, we lay the foundation for the first great serious difficulty, and we pave the way for the putting of these claims in the

hands of irresponsible agents, as they are practically in the great cities. There is the real evil. They publish these circulars. These people get no help at home because they can not pay competent attorneys, and they become at once the victims of the firms who perpetrate their frauds at large upon this immense and poor clientele.

But to leave that point, and it is capable of very full elaboration and elucidation and it is one of the primary difficulties I think of the whole case, the system itself is very faulty. By reason of the lapse of time, and for many other reasons that might be enumerated, it is exceedingly difficult for the applicant to comply with the requirements of the office in obtaining proof for the establishment of his claim.

Then, again, the tribunal which has to pass upon the questions of fact is located in this city. Almost every one of these cases is of double the importance of the average litigation of the country. For the litigation of the country we have thought it essential to provide some home tribunal, some tribunal before which the parties themselves can appear, and the witnesses can appear and can be subjected to the test of cross-examination and the ordinary methods of ascertaining the truth of allegations of fact. We have made no such provision as that in this case, and the result is that occasionally a fraud is perpetrated upon the Government. When that fraud is perpetrated, by reason of the minute machinery that is employed it is almost absolutely sure of detection and it is published, heralded all over the country as a most extraordinary thing that in the prosecution of a pension case there should have been some fraud and some wrong, and the imputation is cast upon the whole body. Thus there grows up a strong popular suspicion of this class of applicants for justice from the Government. It is an entirely unwarranted suspicion, in my belief. The Commissioner of Pensions, I think, told me that at least four-fifths, two-thirds certainly, of the applications after the most accurate and thorough examination are allowed. It is not a fact that plaintiffs recover two-thirds of their cases in our ordinary courts, and there is more reason to charge upon the common litigants of the country fraud in the setting up of their claims than there is to make a similar charge upon the applicants for pensions.

There is an absolute and almost impassable inherent difficulty in ascertaining the truth when the tribunal relies simply upon written evidence coming from all parts of the country, unable to see the applicant, unable to judge as between conflicting testimony or affidavits. Hence it comes to pass that the office itself considers the evidence filed before it with a sharpness and circumspection which often leads to the perpetration of injustice on the part of the Government. I solemnly believe that the Government to-day perpetrates upon applicants for pensions vastly more wrong by the rejection of claims which are in themselves just than do the applicants for pensions inflict upon the country in the establishment of claims which are unjust, and that out of no fault on the part of the tribunal. Oftentimes the worst case is the best prepared; the most formal affidavit is often the most false; and the ignorant applicant, unable to obtain counsel at home, sends in the best case supported by the most informal, and therefore the most likely to be rejected, evidence. Oftentimes the evidence comes in the form of a letter which the applicant supposes is sufficient. The office rejects it. In the press of business it is impossible for the applicant to find out sometimes, I had almost said for years, what the difficulty is with the case, and when the applicant gets a letter it simply specifies, and the office does all that it can, a series of almost insurmountable propositions, insurmountable to him, because he is more helpless in view of the necessary work and preparation of his case than is a common client in a court of law.

We shall never reach justice in these matters unless we provide a local tribunal to pass upon the questions of fact, some tribunal like an auditor, like a judge of probate, possibly a jury; certainly some tribunal should be established such as I first indicated, that can go from town to town and from place to place, and can learn from personal contact with witnesses, with the applicants, with the substantial citizens who know the reputation that has surrounded the applicants themselves from the time they rendered service down to the present time, and in those ways that a man of common sense takes to find out the truth when he goes into a community for any purpose whatever. We shall never do justice until we provide some such method of investigation as that. It is entirely practicable and feasible to do so. The main questions of fact are to be settled where the applicant himself lives. There are certain examinations of record which are made here at Washington, and an applicant should be dealt with, in my belief, in this way: The matters of record are in the possession of the Commissioner, and he should examine the case and should specify the propositions of fact which must be established by ordinary evidence. Those should be sent to the local tribunal, to the agent of the Department, if it be an agent (we have a few of those, and they are doing excellent work, and they are carrying out this idea to a certain extent), or it should be sent to the local court or whatever local tribunal is provided, and they should investigate and report upon those questions of fact, and their finding should in ordinary cases be final; at all events, the appeal should be made to some tribunal which will review with that effort and with that capacity to attain justice which appertain to ordinary boards or courts of review provided in other cases. Whenever the facts thus found are brought to the home

office the Commissioner has his whole case. He has the matters of record already in his possession, with the finding of the local tribunal upon the propositions of fact necessary to be established; he has the whole case, and he would be likely to decide it right.

We have as yet done nothing of this kind. As to the machinery that we have provided the Senator from Kansas is entirely in fault when he says we have provided a sufficiency of it. If we have done so, what is the reason these cases have not already been decided? The truth is that if these cases are to be decided within a reasonable time there should be a threefold increase of the existing force. Even then the system would be faulty, and the wrong and the suffering would continue. I am not inclined to acquiesce, however pleasant it might be, in the assertion that there is no fault on the part of the Government in this matter.

Mr. HOAR. Mr. President, I did not introduce this resolution for the sake of relieving Senators or relieving myself from any labor. I feel as every other member of the body no doubt does feel, that we can never be more usefully or more pleasantly employed than in accomplishing something for the benefit of a soldier or his widow or orphan. It is not to relieve the members of this body from any labor, and certainly I do not impute to the Government or any branch of it any indifference to the just claims of the pensioners. It is true that the American people have been generous in dealing with their soldiers beyond any other historic example. It was said by a great Frenchman that when France had done with her soldier she left him to perish like a weed by the wall, and that no improvement had been made in the method of dealing with the soldier in the French service for more than a hundred years. That was said about five years ago.

What the nation has done the States have supplemented. My own State has expended a sum nearly equal to \$19,000,000 in supplementing by State aid the pension system of the United States. Her whole present State debt and more is represented by what she has paid out in aid to her own soldiers in the war.

But still the fact remains that, twenty-one years and more on an average having elapsed since these pensions were due under the promise of the Government, when I ask that the Senate may be informed as to the reason for not disposing of the pension cases now two years old, the answer is made to me by the most experienced member of the Pension Committee that it will take the entire force of that office more than three months and cost nearly a quarter of a million dollars to do it. The Senator from Kansas may talk as he pleases about this matter; it is not a question of elegant phraseology; it is not a question of sentiment; it is a question of hard fact which these pension claimants and their widows and orphans feel, that when we ask to have the information furnished twenty-one years after the promises were made, twenty-one years on an average after the military service has been performed and the military disability encountered, and when we ask why it is that claims more than two years old are not disposed of, we are answered that there are more than 200,000 of them, and that it will take the Pension Office more than three months to make up a list of them and give the reason why they are not disposed of.

I know that the present Commissioner of Pensions is a humane and most intelligent man, and I have no doubt a most efficient and admirable officer. I have heard nothing to the contrary. The fault is not with him, but the fault is somewhere unless the statement made by the Senator from New Hampshire be totally wild and untrue; and it is a statement which is supported by my own experience.

The Senator from Delaware, with a State not equal in population to a single Congressional district elsewhere, may find that there is no considerable difficulty with his State, near as it is to the seat of Government, but it is not true of Massachusetts and it is not true of other States. There are cases, a vast number of them, where the petitioner has done all that he can on the best information that he can get to comply with the requisitions of the Pension Office, and where his application has been pending for years without his hearing from it. I get frequent letters, and I presume I should not exaggerate if I asserted that the Senator from Illinois, with his relation to the soldiery of this country, must get them sometimes by the dozen in one mail.

Mr. LOGAN. By the hundred, you mean.

Mr. HOAR. The Senator corrects me and says by the hundred I mean. There is a fault somewhere, and if the ascertaining what the fact is and the reason for the fact is not the first step in the legislation of this country in correcting the fault, I wish somebody would tell me what is the first step. I think that such a list would be of large service to the applicants for pensions and would be of great service to the Pension Office itself in turning the attention of Congress to the evil and the remedy, and would lead to the proper appropriation. If the multiplying the force in the Pension Office by three or by ten is the proper remedy, let us apply that. Let us at least know what the fact is and what the reason for it is.

Now, I consent, as far as my consent will go, that the matter be referred to the Committee on Pensions.

Mr. MITCHELL. Mr. President, I have no purpose of detaining the Senate, but I desire to present a few figures which the Senate will find in the last annual report of the Commissioner on Pensions that are to my mind satisfactory on this question. The reason given by the Commissioner and set forth upon pages 9 and 10, in connection with a table

given in the latter part of his report, satisfies me that there is no blame to be cast upon the Commissioner of Pensions.

Mr. HOAR. Nobody casts it.

Mr. MITCHELL. I did not state that any one had cast any blame upon the Commissioner, but I was about to follow that by showing that the blame properly rests upon the claimants themselves, according to the statistics in this report. The Commissioner went over this matter very carefully by an actual examination of all the claims on file in his office, and it must be borne in mind that the number is very large. Since 1861, 886,137 claims for pensions have been filed, and 510,938 had been allowed at the time this report was presented. Therefore there were pending at the time this report was prepared, according to the statement which is made upon page 10 of the report, 244,505 cases undisposed of. If Senators will examine it they will find that of this number, according to the report and a careful examination under the direction of the Commissioner, the blame rests upon the claimants in 204,299 cases; the delay results from the want of proper reply in the Adjutant-General's office in 9,935 cases; from delay in the Surgeon-General's office in 2,902 cases; from the delay of affiants to answer office letters in 3,846 cases; and delay to be attributed to the office itself in 23,523 cases. Then the Commissioner goes on to explain why the delay in these 23,523 cases has occurred, and it appears that 14,391 of those cases have been referred to special examiners, who have gone into the neighborhood where the claimants reside, under the act of Congress, to make examination. It also appears that other cases are delayed for want of answer to letters sent to postmasters and others in order to get information from the localities where the claimants reside. This is thought to be necessary in order to a proper determination of the cases; and the Commissioner says at the conclusion of the subject in this report:

This showing demonstrates that the Pension Office is practically up with current work, and that further delay in the settlement of pension claims will be properly chargeable to the laches of the claimants in producing the necessary evidence called for, but not yet filed, or to the inability to produce said evidence, and not to the Pension Office.

Mr. President, I think it would be very unwise in us to pass this resolution for other reasons than appear in this report of the Commissioner. When Congress authorized the publication of the list of pensioners a year or so ago and the list was published, the pension attorneys, as they are sometimes called, took it upon themselves to write to the claimants for pensions all over the country and to soldiers very generally, saying to them that they were entitled to pensions, or, if they were drawing pensions, that they were entitled to an increase of pension, and if they would forward a dollar or two they would secure an allowance for them in this behalf. The Commissioner informs me that immediately after that list was published these letters were sent out by the thousands and hundreds of thousands. I talked to a printer in this city and he stated to me that he printed, I think, over 100,000 of these circulars for one firm in this city. The Commissioner said that the applications for increase multiplied so rapidly that they came in for several months at the rate of 5,000 a month after the publication of that list.

I have no doubt that these pension sharks, as they ought to be called, instead of pension attorneys, for they are causing the great difficulty to this Government and the claimants for pensions, are responsible for this condition of affairs more largely than anybody else by imposing upon the Department in this and in other respects. If we pass this resolution and delay the work of the Pension Office in order to make out this report they will have another good opportunity to present such false claims, to the misleading of honest claimants for pensions.

I trust the resolution will not be passed, and that if the Senate is disposed to consider it further it will be referred to a committee, who shall inquire of the Commissioner of Pensions on the subject and get his views. I know that all Senators desire expedition in this work, as I certainly do, and I believe that the operation of this resolution would be to retard the work very greatly, and that the result of it would be to ascertain what the Commissioner of Pensions has set forth sufficiently to satisfy me fully that the delay now is chargeable not to the Pension Office, not to the law for the settlement of pension cases, but to the claimants themselves in being slow in presenting the evidence required in their cases.

The PRESIDING OFFICER. The question is on the motion to refer the resolution to the Committee on Pensions.

The motion was agreed to.

#### POSSESSION OF PUBLIC LANDS BY FOREIGNERS.

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

*Resolved*, That the Committee on Public Lands be directed to inquire in what manner large quantities of public lands become transferred to, or possessed by, foreign corporations or syndicates, and what, if any, legislation is advisable to prevent such transfers or possession.

#### PRINTING FOR COMMITTEE ON APPROPRIATIONS.

Mr. ALLISON. I ask that the following order be made:

*Ordered*, that the Committee on Appropriations have authority to print for the use of said committee such papers and documents relating to the several appropriation bills as may be necessary for the proper consideration of said bills.

It is important that it should be done now in connection with the naval appropriation bill, which we are now considering.

The order was agreed to.

#### COURT OF ALABAMA CLAIMS.

The PRESIDING OFFICER. If there be no further resolutions the Calendar, under the eighth rule, is now in order. The first bill in order will be stated.

The bill (S. 573) amending an act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award, approved June 5, 1882, was announced as first in order.

Mr. INGALLS. There is an adverse report in that case. I suggest that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes.

Mr. GARLAND. Although the Senator who reported the bill [Mr. LOGAN] is not in his seat I think we can dispose of it in a short time.

The PRESIDING OFFICER. The amendments reported from the Committee on the Judiciary will be read.

The first amendment reported by the Committee on the Judiciary was, in section 1, line 10, to strike out "eighty-five" and insert "eighty-four;" so as to read:

That the existence of the Court of Commissioners of Alabama Claims, re-established by the act entitled "An act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882, be, and the same is hereby, continued and extended to the 31st day of December, in the year 1884, with the same effect, and no other, as if said last-named day had been named in the said act for the termination of the powers of said court; and said act is hereby continued in force during the period of extension hereby authorized.

The amendment was agreed to.

The next amendment was, after the word "authorized," in line 14 of section 1, to strike out the following words:

And should it be found impracticable to complete the work of said court before the day last named, the President, in his discretion, may extend, by proclamation, the time of the duration thereof to any period not exceeding one year beyond the extension hereinbefore authorized; and in such case all the provisions of the acts of Congress applicable to said court shall be taken and held of like force and effect as though the continuance of said court had been originally fixed by this act at the limit to which it may be then extended.

The amendment was agreed to.

The next amendment was, in section 3, after the word "award," in line 10, to strike out "and interest;" so as to read:

And as soon as the said court shall be satisfied that the aggregate of all the judgments of the first class, with interest added at 4 per cent. from the time the loss occurred to the 31st of March, 1877, will not exceed the unappropriated amount of the Geneva award remaining in the Treasury after the deduction of all lawful expenses, the said court shall report a list of the several judgments of the first class then rendered, to the Secretary of State, who shall thereupon transmit the same, or a copy thereof, to the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 3, line 16, after the word "shall," to insert "out of the unexpended balance of said award;" so as to read:

And the Secretary of the Treasury shall, out of the unexpended balance of said award, without unnecessary delay, proceed to pay the said judgments of the first class so reported and transmitted, with interest as aforesaid, upon such notice and in such manner as he shall prescribe.

The amendment was agreed to.

The next amendment was, in section 3, line 29, after the word "Treasury," to insert "received from said award;" so as to read:

And so much money as may be necessary to pay said judgments of the first class, with interest thereon as aforesaid, is hereby appropriated out of any moneys in the Treasury received from said award not otherwise appropriated.

The amendment was agreed to.

Mr. COCKRELL. I should like to hear a little statement of the object of the bill.

Mr. GARLAND. Under the last bill that was passed in reference to the Court of Commissioners of Alabama Claims that court will soon expire by limitation, and a great many cases have not been acted upon at all. Further time is deemed by the judges necessary to accomplish the business, and this bill simply extends it until next December—December, 1884. We amend the law by extending it now to the end of the current year. Congress will be in session then and will be the best judge of whether it is necessary to extend it further. It is absolutely necessary to pass something of this sort so as to finish the pending business that is unsettled.

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

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

The bill (S. 140) to establish a bureau of statistics of labor was announced as next in order.

Mr. INGALLS. Before we proceed with that I would suggest whether Order of Business 139 might not be disposed of by indefinite postponement.

Mr. GARLAND. I suppose so.



The PRESIDING OFFICER. The Chair calls the attention of the Senator from New York [Mr. LAPHAM] to Order of Business 139, being Senate bill 573.

Mr. COCKRELL. The Senator from Arkansas [Mr. GARLAND] introduced the bill.

The PRESIDING OFFICER. The Senator from New York was understood to have expressed a desire that no action should be taken on it until his attention was called to it. If no motion is made it will retain its place on the Calendar.

Mr. INGALLS. Unless some Senator desires it to be retained, I would move its indefinite postponement, so as to clear the Calendar.

Mr. LAPHAM. I hope not.

Mr. INGALLS. Very well.

Mr. LAPHAM. It is a bill that can not be discussed under the five-minute rule.

The PRESIDING OFFICER. The Chair would call the attention of the Senator to the fact that Order of Business 140, being Senate bill 247, has just been passed by the Senate. Does the Senator desire to have the preceding bill remain on the Calendar?

Mr. LAPHAM. Yes, sir.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it closes this order of business, and the Chair, under the new rule, submits to the Senate bills from the House of Representatives.

#### HOUSE BILLS REFERRED.

The bill (H. R. 1389) for the relief of Myron E. Dunlap was read twice by its title, and referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg;
- A bill (H. R. 3338) granting a pension to Theodore C. Hawkins;
- A bill (H. R. 4717) for the relief of John Swearer;
- A bill (H. R. 4188) granting a pension to William W. Day;
- A bill (H. R. 433) to increase the pension of Simpson Harris;
- A bill (H. R. 4718) for the relief of Caroline Skeward;
- A bill (H. R. 3663) granting a pension to John T. Marshall;
- A bill (H. R. 4981) granting a pension to Isabella I. Ramsdell;
- A bill (H. R. 4431) granting a pension to Leroy C. Rankin;
- A bill (H. R. 439) granting a pension to Bridget Sherlock;
- A bill (H. R. 5257) repealing an act entitled "An act for the relief of William McKean;"
- A bill (H. R. 3737) granting a pension to Ann McLaughlin;
- A bill (H. R. 825) granting a pension to William J. Barker;
- A bill (H. R. 5258) granting a pension to Thomas Cheshire;
- A bill (H. R. 3681) granting a pension to William L. Sloan;
- A bill (H. R. 2252) for the relief of Christopher P. Davidson;
- A bill (H. R. 1756) granting a pension to George Overmire;
- A bill (H. R. 4697) for the relief of Rudolph John Marti;
- A bill (H. R. 2267) granting an increase of pension to Samuel C. Wright;
- A bill (H. R. 759) granting a pension to Patrick Droney;
- A bill (H. R. 2136) granting an increase of pension to Merlin C. Harris; and
- A bill (H. R. 4164) for the relief of Ellen Horgan.

#### CATTLE DISEASE.

The PRESIDING OFFICER. The Chair will now lay before the Senate the unfinished business, being the joint resolution (S. R. 75) making an appropriation to eradicate the foot-and-mouth disease.

Mr. BLAIR. The President will perhaps remember that the bill (S. 398) to aid in the establishment and temporary support of common schools, the first of the special orders, was placed before the Senate on Friday, and laid aside informally in order that this resolution No. 75 might be considered. I ask unanimous consent that the special order be now laid before the Senate and then laid aside informally as before, in order that the Senator from Kansas may proceed with his resolution.

Mr. PLUMB. I do not think there is any necessity of going through any process of that kind. This resolution is entitled to come up as the unfinished business, and it is a matter of immediate importance. I do not mean to depreciate the value of the measure proposed by the Senator from New Hampshire.

Mr. BLAIR. The Senator does not understand me.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas? The Chair assumed that he did so.

Mr. BLAIR. I wish to correct the misapprehension that the Senator is evidently laboring under. I merely wish that the special order retain its position, and that it be laid aside informally as before, in order that the discussion may go on upon the Senator's resolution, as I understand he desires. I merely wish to save my rights, that the bill may be in order as soon as the resolution is disposed of. That is all.

Mr. PLUMB. The understanding was, if I remember, that the bill which the Senator from New Hampshire has an interest in should be laid aside to come up when this resolution was disposed of. I do not understand that any further order is necessary; but I do not care what is done about it so that the present order is not displaced either now or at any other time until it shall have been completed.

Mr. BLAIR. I have not the slightest idea of that.

The PRESIDING OFFICER. The Chair understands that when the unfinished business is disposed of, the first special order will be laid before the Senate, being the bill to which the Senator from New Hampshire has referred.

Mr. BLAIR. Does the Chair understand it is in precisely the same situation as though laid before the Senate at this time and then informally laid aside in order that this resolution may be disposed of?

The PRESIDING OFFICER. In precisely the same situation. The President *pro tempore* informed the Chair that that was the order of business, and he is now acting on that information. Senate joint resolution No. 75 is now before the Senate as in Committee of the Whole.

Mr. BAYARD. I ask whether there is an amendment pending to that resolution?

The PRESIDING OFFICER. There is a motion pending to indefinitely postpone it and another motion to postpone it for a week.

Mr. BAYARD. I thought the motion for indefinite postponement had been withdrawn.

The PRESIDING OFFICER. The Chair did not so understand.

Mr. BAYARD. The Senator from Tennessee [Mr. HARRIS] was about withdrawing it, I am sure.

The PRESIDING OFFICER. The Senator from Tennessee intimated that he would withdraw it, but he did not actually withdraw it, as the Chair understands.

Mr. INGALLS. The RECORD of Saturday, at the foot of page 2023, shows the condition of that motion:

The PRESIDENT *pro tempore*. No amendment is at present in order, as the motion pending is to postpone the bill indefinitely.

Mr. HARRIS. I will withdraw the motion to indefinitely postpone if the Senator from Delaware desires.

The PRESIDING OFFICER. The clerks inform the Chair that the motion was not withdrawn according to the Journal as it stands. There was merely a proposition to withdraw. The Journal shows that the motion to postpone indefinitely is still pending. The question is on that motion.

Mr. BAYARD. Is a motion to indefinitely postpone debatable?

The PRESIDING OFFICER. It is.

Mr. BAYARD. Mr. President, there is a more extended measure than this resolution immediately to follow, I think what is called the pleuro-pneumonia bill, and as I hold that the resolution now before the Senate is open to very much the same character of objection that the general bill placing the cure or the eradication of these formidable diseases in charge of the Commissioner of Agriculture, it is a matter of indifference to me whether my objections are expressed upon one measure or the other. I would not care to repeat them upon both; but I suppose that, the motion to indefinitely postpone being debatable, I may as well say what I have to say on the subject on that motion.

The magnitude of the interest involved in this question must grow upon the mind of any one who duly considers it. The sketch given by the Senator from Texas [Mr. COKE] the other day as to the spread of this disease, its communication by cattle not apparently themselves infected by it, that by a kind of physical paradox they are the agents to communicate a disorder which they do not themselves possess, and yet the fact remains, I believe, true that animals not subject to pleuro-pneumonia or Texas fever can communicate it to those who are sound, and create great disaster without being victims to the disease themselves.

Mr. President, I believe this is the first time in the history of the legislative precedents of this country that the assumption of such powers over the internal condition of a State has been proposed to be committed to the agencies of the General Government. Any definition of the police powers of a State will be found to include the care of the health of its inhabitants, the prevention of the spread of disease, as any other, or more than any other, one head of jurisdiction known in the constitution of what are known and recognized as the police power of the States. There is not a decision of any court known to me, either State or Federal, that does not commit the quarantine power, whether it be over animals or over persons, to the discretion and control of the State that supposes itself to be in danger. There is no power imaginable calling for more diligent, careful, and summary execution than the power controlling health regulations, and the definition and limitation of those powers is as difficult as any imaginable. How you shall deal with disease, what you shall do to arrest or eradicate it, is a question that experience day by day must dictate; and one thing is certain, it must be dealt with in a most unquestionable, summary, and oftentimes arbitrary manner in order to be efficient.

It will be seen, therefore, that in considering this power we are approaching one of great difficulty, and what strikes me on the face of this resolution is the utter inadequacy of the appropriation proposed to the object in view.

I have read with a great deal of interest and apprehension the accounts from the cattle-raising districts in the West and of the alarm they have excited, and justly, among all persons owning such property there and all persons owning property of a similar character everywhere in the country, for the contagion may spread and be equally fatal in one district or in all. But to talk of the sum of \$25,000 in connection with

the eradication of an epidemic disease or a disease of the dangerous character and the contagious nature, affecting the thousands and tens of thousands of heads of these animals, the millions and the tens of millions of dollars invested in their ownership—the mere suggestion of the vastness of the interests involved and to be considered and the petty nature of the appropriation proposed will show that even if Congress is authorized in making it such an appropriation is not worthy of being made at all! It is a mere drop in the bucket in proportion to the necessary expenses and the still more enormous responsibilities.

But the truth is, sir, that so far from having \$25,000 appropriated Congress may as well now recognize that upon the most reasonable calculation the \$25,000 that may be spent in the "eradication," as it is called, will be followed by an appropriation of \$2,500,000 to pay for the results of the eradication. Why, sir, a more dangerous opening for governmental liability was never, in my mind, made before Congress. This resolution, relating to a subject so vast and important as this, proposes nothing but the discretion of a single officer, a most respectable gentleman, the Commissioner of Agriculture, and a very competent man I doubt not to deal with the subject—gives to him alone the authority to cause to be killed (for that is the meaning of it), to be "eradicated" by slaughter, such cattle as are affected by these diseases or as he may suspect or think liable to be affected by these diseases, as may be necessary to prevent the spread of the disease. Such a range of jurisdiction, such a scope of responsibility is scarcely calculable, and I think the Senate will pause long before they enter upon such a field of pecuniary responsibility, not to say of the dangerous assumption of the powers of local self-government heretofore vested solely in the States and never vested in the Government of the United States which this measure involves.

Why, sir, to meet this case official machinery ought to be provided, as any man will see, whether it is to be State or Federal machinery. First, medical and scientific experts must be chosen competent and fit to ascertain the cause of disease and instructed in its pathology. Then you must have a corps of traveling and informing agents who shall by inquiry and observation tell you where and in what quarter disease is to be found, and thus information having been brought to the knowledge of the medical experts, they shall after due examination order the destruction of the infected cattle. One thing must precede this authorized slaughter of the animals. There must be a board of appraisal, a board of assessment, who shall take *in invitum* the private property of the citizen and condemn it for public use; and how must that be done under our law? Only upon rendering just compensation to the private owner for the value of the property of which he is thus deprived for public use.

So that you here have now proposed a crude and entirely new scheme, a new field of governmental operation requiring a vast and unascertained expenditure, the assumption of most indefinite and peculiar powers of government, and dealing summarily with a matter that is after all a mere experiment as to its success. Upon that ground alone I should say this money was thrown away to start with \$25,000 in this way without having something like proportion of means to the end. This resolution provides nothing of that sort. I have prepared an amendment which I will send to the desk showing how far I would be willing to go, how far I think wisely and practically the Senate can go in this direction, and I shall presently show how far I think Congress has the constitutional power to go in the direction of assuming care over the flocks and herds of the people of the different States of this Union.

I propose to strike out, on lines 6 and 7, the words:

And in co-operation with the proper authorities of the State of Kansas in eradicating.

And to insert:

To obtain and disseminate information in relation to the treatment, cure, and prevention of.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The amendment is not now in order, but can be read for information.

Mr. BAYARD. I will therefore simply say that I shall propose this when it is in order.

The PRESIDING OFFICER. The proposed amendment will be read for information.

Mr. BUTLER. May I inquire of the Senator from Delaware whether his amendment confines the inquiry to the State of Kansas alone?

Mr. BAYARD. No; I strike out the name of the State of Kansas. The words I strike out are: "And in co-operation with the proper authorities of the State of Kansas in eradicating," so that my amendment if adopted will let the resolution read thus:

That the sum of \$25,000, or so much thereof as is necessary, be, and hereby is, appropriated, to be used under the direction of the Commissioner of Agriculture, to obtain and disseminate information in relation to the treatment, cure, and prevention of a contagious disease popularly known as the foot-and-mouth disease.

There will be also a slight verbal amendment there to make my amendment applicable to cattle anywhere in the United States, because we are not legislating for the benefit of the State of Kansas alone, but to assist in the procurement and dissemination of information that shall

enable the people of the United States everywhere to prevent the spread of these various diseases, whatever they may be, which are dangerous not only to animals but so largely to the health of the inhabitants who use them as food.

Now, Mr. President, I have said all I care to say in regard to the incompleteness of this measure to reach the end designed. It will be a waste of money as I think, to spend so much as \$25,000, but if you mean to make it efficient and have the power to make it efficient, it must take a far wider range and be presented in a much more specific and determinate manner. But there is something much beyond that. This assumption of power by the Government of the United States of what may be called the quarantine laws, the laws of the protection of the health of the various communities embraced within the Union is now being claimed for the first time. I have here a decision of the Supreme Court made some four or five years ago reiterating something like a definition of the police powers and to what they refer. That these powers were always held subject to State control is a historic and constitutional fact. There is no exception to that. That has been the line of decision and the accepted opinion of all legislatures and courts:

Whatever differences of opinion may exist as to the extent and boundaries of the police power, and however difficult it may be to render a satisfactory definition of it, there seems to be no doubt that it does extend to the protection of the lives, health, and property of the citizens, and to the preservation of good order and the public morals. The Legislature can not, by any contract, divest itself of the power to provide for these objects. They belong emphatically to that class of objects which demand the application of the maxim *salus populi suprema lex*, and they are to be attained and provided for by such appropriate means as the legislative discretion may devise. That discretion can no more be bargained away than the power itself. (*Boyd vs. Alabama, United States—7 Otto, 33.*)

And that legislative power and legislative discretion is the legislative discretion and power of the several States of this Union. It is essential for them, or else local self-government must wither and die, and without local self-government I take it there can be no such government in this country as is worthy the name of a free and constitutional government. I know the Senator from Kansas [Mr. INGALLS] said on Friday that—

The doctrine of State rights and State sovereignty dies hard, but I think it is moribund and in the course of time will eventually be buried. If any Senator upon the opposite side of the Chamber can tell me what power a majority of Congress can not exercise under the Constitution according to the recent decision of the Supreme Court in the legal-tender case, I shall be very much instructed.

I do not hold that it is the part of Senators on this side of the Chamber or the other to answer political conundrums, but rather to meet with constitutional reasons and objections assumptions of power which they believe to be dangerous and fatal to the principles of our Government. If the doctrine announced by the Supreme Court goes to the extent that the Senator from Kansas has indicated, the promulgation of their opinion to that effect can not be limited to the mere decision of a single case, but it would be in effect a proclamation of revolution that completely overturns and ends the Government of the United States as it was originally designed by the written charter of its powers, as it has up to this time been judicially and legislatively defined, and as it has been interpreted and construed by every one known to me who has undertaken to write or speak or vote in relation to its nature, constitution, and powers.

Sir, I am not prepared to accept so fatal and disastrous a definition of a decision of so respected a tribunal. It is perfectly plain that according to every theory of the construction of plain words, read in the light of their historical use, either on the theory of liberal construction or of strict construction, under the definition of either or of those holding either view there was always the fundamental acceptance that the residuum of powers not delegated by the Constitution was reserved to and belonged not to the Government of the United States but to the States respectively or to the people of the States; and that in seeking authority to enact Federal legislation it was incumbent to show affirmatively that the power either was granted expressly or was included by necessary implication from an express grant, and that if it was not so to be discovered it was forbidden to be exercised and it was usurpation to attempt to exercise it.

And, sir, when that fundamental rule shall be departed from, when that rule shall be abandoned, then the true and only government of this country has been forsaken, has been abandoned by those who owe it at all times their allegiance, their obedience, and their steady support. If this nation is to be, as I pray God it may be, an indestructible union of indestructible States, then the plain and manifest principle must be applied and the test put to every law proposed to Congress. All just power is delegated and granted expressly or by necessary implication; for if it be not, it is reserved to the States respectively or to the people, and Congress can not lawfully assume it. This was the difference between the Government founded by our ancestors, and under which it has been our good fortune to be born and live, and other governments. Most of them claim to exercise all powers not withheld or reserved from them, but the United States Government, on the contrary, is founded upon a different principle. It can exercise no power not conferred by the Constitution expressly or by necessary implication.

Mr. President, it seems a strange thing, and it certainly is a sad thing, that at this day, at this point of our history, the assertion or the

reassertion of such manifest truths and such essential and admitted principles should be made necessary in the American Congress; and while I make them, it is from a sense of simple and ever-abiding duty, but not without a feeling almost akin to despair.

Other interpretations have been heard in this debate of a most latitudinarian description guided by an illusory benevolence to be exercised in behalf of "the general welfare," as it is termed. I never knew that there was even a school of constitutional constructionists who claimed that in the mere preamble of the Constitution and a recital accompanying one of the grants of enumerated powers delegated to the Congress of the words "the general welfare" there was contained a grant of substantive or distinct power. According to the reasoning we have heard lately, the fact that these two words are found in the preamble to the Constitution and afterward found accompanying the grant of the power to lay taxes and collect them, the mere presence of those words in the text being established, the rest of the Constitution with all its provisions and inhibitions was mere mocking superfluity, having no power to restrain the unlimited grant that is supposed to be contained within the phrase "provide for the common defense and general welfare."

But, sir, I aver that it is and has been almost the only opinion of men who have dealt with the construction of the powers of this Government that these words as found not only in the preamble of the Constitution but in the eighth section of the first article were and are a mere statement of the object for which Congress shall have power to lay and collect taxes, duties, imposts, and excises.

It was a mere statement of the object for which taxes were to be laid. To pay the debts, to provide for the common defense and general welfare of the United States; it was for that purpose that these powers were given and the object is stated, but it is not the grant of a distinct and substantive power, and to admit that it was would at once loosen and remove every limitation upon power of which the Constitution is so full, and which were intended to preserve in this country the great and essential school of liberty and of American citizenship, local self-government by the people and the control of their home affairs.

Why, Mr. President, the quarantine power affecting the health of the citizen, no matter from what cause and in what way health may be endangered, whether it was from the immigration of human beings contaminated by disease or of cattle or of clothing or of any article calculated to spread pestilence, the power to quarantine was always left to the State. And when it was provided that no State should lay any imposts or duties upon imports or exports it was also expressly provided that its inspection laws should be executed, and that that power should remain to the States. What is the definition of "inspection" as commonly applied to articles of merchandise? Applicable, reasonably so, to the importation of cattle or merchandise, alive or dead. So that when it is sought to empower the Federal Government to deal with this class of internal powers of the States, you can discover in the Constitution no power express or implied that they should exercise it, but you do find by this exception in the inhibition to the States of the power to lay duties on imports and exports express power to pass inspection laws; therefore by express grant of power to the State governments, as well as by the reservation to the States, you find at once a want of authority in the Federal Government to enter on the subject of power indicated by this resolution, and also manifest indication that it belongs to the States respectively.

Mr. President, I think I have said enough to indicate the general views I held which would restrain me from voting for this measure, beneficent as is its design. I am heartily anxious to assist so far as in my power not only the people of Kansas but the people of any other State in that kind of aid and protection to their interests which it is within the power of the Federal Government to bestow; but I am certain that not only does this resolution fail to provide practical machinery for the purpose, even conceding the right to pay its cost from the Federal Treasury and to assume control of it, that there is nothing in this resolution at all in proportion with the importance of the trouble we are considering, and as I said before not \$25,000 but a fund probably amounting to two and half million would be a moderate and reasonable estimate to begin upon.

But suppose the Federal Government had the power and coupled with the power the duty to arrest this disease where it could, either by skillful prophylactics or by absolute destruction and eradication by killing all the animals supposed to be infected or in danger of being infected, I would still prefer greatly that the local machinery, that the State governments should have the power to put the remedy in force. I have never yet known a question of the execution of the public power that was not more efficiently and more economically performed by the State than by the Government of the United States. I do not care to what question the test may be applied, whether it be public education or public benefit in any form that may be devised. There are some things of course in which not only is the power of the General Government paramount, but it is exclusive, and must be so, simply because there is no function and no machinery in our system for a local government to extend its operations over the entire Union; but I mean to say that practically, wherever you can commit the execution of a power involving judgment and economy to the machinery of State law and State control, you secure its performance more efficiently and at a

much less rate of expense to the people than you do where you confide it to Federal power.

There is not a branch of public expenditure in which I can not demonstrate that fact to be true, whether it be the judiciary of the country, the Legislature of the country, the performance of any of the public duties consigned either to State or Federal power. A comparison of the figures and of the outlay of the taxation required to support it—the whole taxation of all the States—would be found to amount to about one-eighth of the taxation by the Government of the United States and that without considering the more important question of incidental taxation which arises under the form in which taxes are now collected by the laws of the United States.

Why, Mr. President, consider for a moment the practical operations of this law. If the Government of the United States shall authorize the eradication of this disease by the slaughter of herds, any animal either suffering from the disease, or which the Commissioner or his agents may think likely to suffer from the disease, is under this law subject to his control. All through the Eastern States—for the law would be applicable to them as well as to the Western States—countless herds of what are known as fancy cattle exist, Jerseys, Alderneys, Herefords, and shorthorns all held at the most fabulous and in my judgment imaginary prices by their owners. Look at the report of auction sales; thousands of dollars paid for a single cow, I believe one as high as \$47,000 in the State of New York.

Mr. MAXEY. Eight thousand dollars paid by Alexander for one. Mr. BAYARD. The prices are fabulous, and the fact is that there is a cattle mania, just as much so as the tulip mania in Holland about a hundred years ago. Yet this disease is no respecter of costly and highbred cattle. It is just as apt to fall among them as those of a lower grade, and these prices are fabulous, and it may be that a great many gentlemen in possession of these herds would be only too happy to have the disease break out among them, that they might find a ready market, to be paid for out of the United States Treasury. I think you would find it very hard to obtain such a discretion from any State Legislature. Bring this matter home to the people of the State, who when they are asked to pay their tax-bills can inquire for what those taxes were laid, and not pay them, as they now do, in the increased cost upon all that they consume, and therefore with a kind of unconsciousness. But looking at this question, at the vast field of power it would open, at the unlimited expense to which the Treasury may be subjected by it, I would say that we have no proper ascertainment of the extent to which this power can be exercised or of the cost to the public which it may be exercised.

I hesitate, therefore, until I know more. But independent of that, for the reasons I have stated, I hold that there is no power under the Constitution in Congress to pass such a measure as this. Hereafter, and perhaps very soon, there may be in this Chamber, and must be among the people of this country, a realization of the necessity and a reassertion of the rights of local self-government. There must be an examination of the foundations upon which our Government stands, and when that comes I shall endeavor, with a preparation worthy of the subject, to speak upon those limitations of power under which I am well satisfied civil liberty alone can find refuge and protection.

I can not vote for this measure, not only as incomplete and inefficient for the end for which it seems to have been designed, but I believe it to be unwarranted under the Constitution which we are all solemnly bound to support.

Mr. PENDLETON. Mr. President, I should like to be advised by the Chair what has become of the amendment offered by the Senator from Texas [Mr. COKE] to the amendment offered by my colleague now in the chair.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Chair will state the order of the questions as they will be presented. First on the motion of the Senator from Tennessee [Mr. HARRIS] to indefinitely postpone the joint resolution; next upon the motion of the Senator from Massachusetts [Mr. HOAR] to postpone it for a week; third upon the amendment to the amendment proposed by the Senator from Texas [Mr. COKE], and fourth upon the amendment proposed by the occupant of the chair.

Mr. PENDLETON. I ask that the amendment offered by the Senator from Texas may be reported.

The PRESIDING OFFICER. The amendment of the Senator from Texas will be read.

The CHIEF CLERK. At the end of line 5, after the word "Agriculture," it is proposed to insert "with the consent of," and in lines 6 and 7 to strike out "State of Kansas" and insert in lieu thereof the words "in the State in which it may be used;" so as to read if amended:

That the sum of \$25,000, or so much thereof as is necessary, be, and hereby is, appropriated, to be used under the direction of the Commissioner of Agriculture, with the consent of and in co-operation with the proper authorities of the State in which it may be used, in eradicating a contagious disease popularly known as the foot-and-mouth disease.

Mr. PENDLETON. Mr. President, I dislike very much to vote against the amendment offered by the Senator from Texas, and yet I have not been able to bring my judgment clearly to the conclusion that it is wise to insert it in this resolution. I do not object to the language

of the amendment; I do not object to its substance in one view of its effect and meaning. I think it might be very well to have the assent of the State in which this money is to be used to operate by way of estoppel of any complaint that may hereafter be made by the State, in case of a disappointing result of the effort about to be made to mitigate the evils which seem to be upon us. If that were the only view that could be taken of the amendment I should give it my cordial approbation.

But I think I have discovered during this debate a suggestion stated with more or less distinctness by several gentlemen, that the assent of the State to the expenditure of this money in the way proposed by the resolution will eke out an insufficient power given by the Constitution to the Government of the United States. I think I see a suggestion that there is an absence of ample power to do fairly and fully the thing contemplated by the resolution, and that if the assent of the State or of many States in which the Commissioner is to act can be gotten there will be a supply of the deficiency of that power as it exists under the Constitution.

Now, sir, to any suggestion of that kind I enter my entire dissent. I protest against it. It is because it seems to me that this amendment taken in connection with the views expressed by several gentlemen on the floor may become a precedent in the direction I have just indicated that I find my difficulty in voting for it. Either the Congress of the United States has authority to pass this resolution and enter upon this course of action or it has not. If it have the power, the assent of the States to the exercise of it within their boundaries is entirely unnecessary; and being superfluous, it seems to me a subject of very great doubt whether it is wise to suggest or ask the assent of the States. It seems to me there is no doubt that we ought not to let our action depend in any degree upon whether that assent is given or not. If, on the other hand, the Government has not the power to do what this resolution contemplates, then no assent of a State, no assent of any number of States given in this way, can supply the deficiency. It is absolutely inefficient in that direction.

There are but two cases under the Constitution where Congress is required to ask the assent of the States to the exercise of any of its powers. They are, first, the case in which Congress shall seek to exercise exclusive legislation over places within the limits of a State purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. There the assent of the State to the purchase is essential to the acquisition of the power of exercising exclusive legislation.

And, second, the case where new States may be admitted into the Union by Congress. If they are to be carved out of any other State or are to be formed by the junction of two or more States then the assent of the States interested is essential. But these are the only two cases in which the assent of a State is required for the exercise within its own boundaries of the powers conferred by the Constitution upon Congress. I should be glad to have the assent of the States to every act that is passed by Congress even within the sphere of its undoubted powers, yet I am opposed to asking that assent, I am opposed to suggesting that it be given, I am opposed to doing anything which recognizes in any degree the assent of a State as essential to the exercise by Congress of any of the powers clearly given to it by the Constitution.

It would be a very good thing to have in all cases the co-operation of the States with the action of the Government of the United States; but when that co-operation is effected, it must be by the States and the Federal Government acting as independent bodies, exercising undoubted powers each within its own sphere of power and action; they must each exert a complete and independent function, having no dependence on each other, except only so far as co-operation to a common end would give greater efficiency to their separate means.

I am too good a State-rights man, too strict a constructionist to admit that in any case the action of a State other than in the prescribed form of ratifying amendments to the Constitution and in the two cases expressly provided in the Constitution can enlarge the powers of the Federal Government. If there be authority in the Federal Government to pass this legislation and to enter upon this course of action, then the assent of the State is unnecessary. If there be no such authority, then the assent of the States is entirely valueless. I would not willingly do anything which could be tortured into a precedent or even into an argument for its efficiency, and therefore I have had much doubt whether it would be wise to insert the provision indicated by the Senator from Texas, although I am in entire sympathy with the motive which I know prompted its presentation.

In this discussion we have heard a good deal said, and it has seemed to me in a spirit of rather querulous complaint, of the interposition by States to prevent the consummation of the wishes of the majority of the people. The honorable Senator from Kansas [Mr. INGALLS] stated the other day that the question is whether the nation, whether a majority of the people of all the States is supreme, or whether one State can negative and veto the expressed wish of the majority of the people. He stated that the question is whether in measures involving the great interests of a large number of people, or perhaps a majority of the people, a single State could interpose successfully against the accomplishment of the national will.

I submit this is not the question. I submit that this statement is

a great misuse of terms, if it is not a confusion of ideas. I submit that it is an illustration of the art of putting things of which the Senator is an accomplished master; and that by a subtle and not entirely fair use of that art he has sought to draw an argument in favor of the views that he entertains rather from the passion than from the reason of his hearers. I submit that this is not a question whether the States shall interpose their authority, whether the States shall interpose an obstacle to the action of the Federal Government. Under the provisions of the Constitution and within the limits from which revolution is excluded there is no such power in a State, and there can never arise an opportunity or a necessity for the exercise of such power by a State.

A State may lie perfectly quiet; it may be perfectly inactive; it may do nothing; it may not interpose the least possible obstacle; and yet the accomplishment of the national will and the wishes of the majority of the people, as the Senator expresses it, can not be accomplished.

The United States have no power except that which is granted to them by the States and expressed in the Constitution. They have no original power, no inherent power, no power arising from necessity, however stringent that necessity may be. The argument *ab inconvenienti ab necessitate*, even though the alternative be its life or death, has no place in the just consideration of the powers of the Federal Government.

"This Constitution, and the laws of the United States which may be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." These are the supreme law. There is no other supreme law. There is no other valid law. There is no law except that which is made in pursuance of the grants to the Federal Government contained in the Constitution.

This was the Constitution submitted by the convention to the States for their ratification. It had passed the conventions of Delaware, New Jersey, Pennsylvania, Georgia, and Connecticut. It came to Massachusetts. Massachusetts had always been fearful of the power of the throne. She had always been jealous of her colonial rights; she had always been sensitive to the least danger, even afar off, to the liberties of her people. She remembered the causes out of which sprung Concord and Lexington. She had been trained in the school of the stamp act and the non-importation act and the incident of the tea in Boston harbor. Feeling as much as any State all the necessity for the establishment of a federal government, she ratified the Constitution in the full faith that the amendments she suggested would be adopted, lest, to use her own language, "undue administration" should enlarge the powers given by the Constitution to the Federal Government and pervert the purpose for which those powers were given. It was on her suggestion, under her lead, that the ninth and tenth amendments to the Constitution were passed, which from the mere abundance of caution defined more accurately and strictly the nature and scope of the powers of the Federal Government. The tenth amendment declared "the powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Constitution contains grants to the Federal Government and limitations upon the powers of the State governments. It contains nothing else, except possibly those amendments which were in the nature of a bill of rights, and they were limitations upon the powers of the State governments. In form, in substance, in spirit, by affirmation, by negation, by contemporaneous construction, the Constitution contains the grants of powers to the Federal Government, to the United States. It is not in any sense, by any interpretation, in any word, in any clause, either in its spirit or in its letter, a limitation upon the powers of the Government of the United States acquired or possessed otherwise than by virtue of the Constitution itself.

We call this a government of limited powers, and we call it so with entire accuracy, but its powers are limited only because other and larger powers were not given to it. The Constitution is an instrument of grant and not of limitation. Every limitation contained in the ninth section of the first article of the Constitution is an exception carved out of antecedent grants of larger powers made by the Constitution itself. Every limitation contained in that ninth section refers to other and larger powers already granted to the Federal Government by the Constitution.

If the Federal Government seeks to establish a policy, or to pass a law, or to do an act, search must be made amid the grants of the Constitution, and if no grant can be found, if none exist, either express or by implication, then there is no power; then the Government fails; the policy can not be carried out; the law can not be passed, or if passed can not be executed; and the act can not be performed.

The States do not move; they take no action; they interpose no objection; they throw in the way no obstacle; they negative nothing; they veto nothing; they are perfectly quiet—acquiescent if you please; but the United States can not move, not because an obstacle is interposed, but because of an inherent defect of power to move in that direction. If a man has no eyes he can not see; not because there is an obstruction placed in his line of vision; not because some one extin-

guishes a light or immures him in a dungeon; but because of inherent defect of power to exercise the faculty of sight. If a man has no legs he can not walk, not because some one prevents him from walking, but because the power of locomotion does not exist in himself. An engine without steam does not move, not because some one obstructs its way, but because the motive power does not exist. So it is with the Federal Government; it does not fail in its operation by reason of an obstacle interposed by the States, but because under the Constitution it has not the power even if no obstacle exists.

If gentlemen wish the Federal Government to do something and can not find the authority in the Constitution to do it, let them cease to impute the inability on the part of the Federal Government to obstructions laid in its way by the States; let them turn their anathemas upon the fathers who did not give to the Government the larger powers which their descendants, wiser in their own conceits, think it ought to have. If gentlemen wish a particular line of policy to be pursued and can not find authority for it in the Constitution, let them cease their maledictions of States' rights; let them cease to invoke the spirit of States' rights which always affrights their timid souls, and boldly declare that, with authority or without authority, they will obey not the supreme law of the Constitution, but the will of the nation. If the Federal Government has the power it performs its functions throughout the limits of the States. If it has not the power it is not prevented by the States, but by an original and inherent defect of constitutional authority.

Mr. President, I am a strict constructionist in the straightest sense. I believe that it is wise and expedient and safe to limit the powers of the Federal Government within the narrowest lines consistent with the purposes of its formation. I know that there are precedents in another direction. They were read to us by the Senator from Arkansas [Mr. GARLAND] the other day. He might, as he well knows, have cited many others. In the main the precedents which he cited and others of a cognate character answered appeals to the generosity of Congress and the people. They responded to prayers, that out of the superfluity which a beneficent Providence and a bounteous nature had given to us something might be spared to relieve the suffering poor whom that same Providence had afflicted. They satisfied appeals to help those who were suffering from earthquake in Venezuela, those who were suffering from famine in Ireland, those who were overwhelmed by fire and flood in our own country. They were acts of that charity which makes all mankind akin. These do not come within the strictest line of constitutional power as I read the Constitution. They stand as great exceptions; I prefer that they shall stand as exceptions rather than that by a loose and a forced construction of the Constitution we shall make them the rule; I prefer they should stand as the exceptional, and, if you please, the unconstitutional results, which we can not in strictness justify, of appeals to aid our fellow-men in the phenomenal emergencies of their extreme suffering, over which, as we could not prevent them, at least "One human tear shall drop and be forgiven."

I am, as I said, in favor of a strict construction of the Constitution. I believe in State rights, and State powers, and home rule. I believe in this framework of government as I think our fathers made it, leaving with the States separately the administration of all the matters which concern their domestic interest, and uniting them only in so far as is necessary to their existence among the nations of the earth. I am in favor of confining the Federal Government to the fewest possible subjects necessary to preserve peace at home and respect abroad, and to the least possible powers consistent with the accomplishment of those purposes.

In this system alone there is safety; in this system alone there is hope for a continuance of our Government and the maintenance, ay, and the indefinite expansion of our territory. In this system alone there is the hope for that prosperity of material interests and that fraternal peacefulness of relations which constitute us one people. Whenever for the few and simple powers to be sparingly administered, vested by the Constitution in the simple and severe government of a confederation of republics, there shall be substituted the powers, the duties, the excessive revenues, the lavish expenditures, the splendors, the corruptions of a consolidated imperial republic, there will have struck the hour which announces its incipient disintegration—to be consummated through the successive agonies of despotism, oppression, war, separation; there will have struck the hour of our doom as a peaceful people and as a free government.

Mr. CULLOM. Mr. President, I shall detain the Senate but a few moments. What I shall say will be applicable perhaps as much to the bill which has been before the Senate as to the pending resolution.

As I view it, if we have the power under the Constitution to pass the joint resolution now before the Senate, we have the power to pass the bill reported by the chairman of the Committee on Agriculture.

The resolution provides for an appropriation of money, to be used under the direction of the Commissioner of Agriculture, in co-operation with the authorities of the State of Kansas, in eradicating the foot-and-mouth disease in that State. It should be amended, as I think, so as to extend to all portions of the United States, and to include not only the disease specified in the resolution, but any other of the contagious diseases among the stock of the country.

The chief opposition to the resolution, as also the bill, is on the ground

that it interferes with the domestic affairs of a State government, and that it is unconstitutional. While I do not desire to be understood as favoring every measure that comes up that would seem to take charge of, or in any way to interfere with, the affairs of a State government, yet I think there are instances where it is the duty of the Congress of the United States to take some responsibility, if the Constitution will permit it.

While I do not feel absolutely certain that my view of the power of Congress under the Constitution is correct, yet, after the remarks of the gentleman from Arkansas last Friday, and after the references by him to the views held by Hamilton, Monroe, Story, and other great men in the earlier history of this country, I feel much more free to support this measure than before.

It seems to me that under the provision of the Constitution providing for the general welfare and other provisions giving Congress authority to regulate commerce among the several States, we are justified in going as far as the exigencies of the times demand in our efforts to extirpate, if possible, the contagious diseases that afflict the cattle and hogs of the country.

These contagious and communicable diseases, as I look at it, can not be extirpated by any action that is likely to be taken by local governments.

It seems to me to be utter folly to suppose that this country now, according to reports, suffering from pleuro-pneumonia or lung-plague in several of the States of the East and in the District of Columbia, and with foot-and-mouth disease developing among cattle in two or three of the Western States, with constant trade going on, moving stock from one section of the country to another—to suppose that contagious diseases will ever be extirpated by the action of State or Territorial governments. Hence, in my judgment, it is the unquestionable duty of Congress to provide means for its immediate extinction.

Agriculture is the foundation of all the material interests of this country. The farmer feeds the people, and hence all other interests are dependent upon that. No nation has so large a relative portion of its wealth in domestic animals as the United States. We have in this country, according to the report of the Commissioner of Agriculture for 1884, 42,547,302 head of cattle, valued at \$1,106,715,703; of horses and mules, we have 13,083,809, valued at \$994,949,396; of hogs and sheep, 94,827,519, valued at \$366,203,845, making a total of value of horses, mules, cattle, sheep, and hogs, \$2,467,868,924. These four classes of animals aggregate in value an amount of wealth which is almost fabulous to compute.

All these animals, according to authorities of this and other countries, are subject to contagious diseases, and it seems to me that they represent such vast interests in the aggregate that the Government of the United States would be negligent of its duty if it did not do whatever it has power to do, under the Constitution, to protect these interests from being destroyed by diseases which can not be controlled by local authority.

We have to-day about 120,000 miles of railroad, affording facilities for transportation and commercial intercourse from one section of the country to another daily. The people of this country are not in the condition that they were twenty-five or fifty years ago, before the days of railroads and before the days in which importations of stock had begun in this country. These contagious diseases among stock could have been easily dealt with by the local authorities of the nation thirty or forty years ago. It has not been long since cattle, horses, and sheep were brought into this country from other nations to any considerable extent; it has not been long since the transfer from one section of the country to another of large herds of cattle and sheep was engaged in; so that in those early times the stock of the country was in the main kept where it was raised until sent to the markets of the country for sale.

An entirely different state of affairs exists now. Men and companies are engaged in bringing stock into this country from abroad. They are engaged in bringing it into one portion of the country and shipping to another constantly, so that this disease has gained a foothold in this country to such an extent that it seems to me impossible to control it or get rid of it except by the power of the National Government. With our thirty-eight States and eight or ten Territories acting independently of each other, and each without reference to the action of the other and largely necessarily so, how can the desired result be reached?

The Senator from Ohio [Mr. PENDLETON] says that he would not ask the State; and then he says that the Constitution of the United States gives us no power. I should like to know of him (for if he stated his views on that point I did not catch them) how he proposes that this evil which is destroying so much property in this country is going to be gotten rid of. Here are thirty-eight States and eight or nine Territories, each with its separate government, each acting for itself; one acting to-day, another to-morrow, and another next month or next year. While these irregularities of action are going on, this disease, which is beginning in one State and going from State to State and from Territory to Territory, will have spread all over this country and our property by the hundreds of millions will be destroyed; and we sit here and say that we have no power under the Constitution to help it.

It seems to me that we have the power under the Constitution of the

United States to do whatever is necessary to protect the people and the property of this country from this dire disease. It is like a common enemy, as I believe some of these reports state. I say it is like a common enemy going into the different States and destroying our property, and we are sitting here as Senators of the United States and say we have no power under this Constitution of ours to do anything to prevent it. If we have not the power, it seems to me it is high time that the Constitution should be amended so that Congress shall have the power.

This is not an ordinary disease that breaks out in one community and there stops. It is a contagious or communicable disease that will sweep over the land if it is not checked at the outset. Look at my own State. Illinois is not here asking anything of the Government to-day. Chicago is the great grain and product market of the world, I may say. Cattle, hogs, horses, and grain of all kinds, all the food products of the country, center in Chicago. Car-loads of cattle, calves, and animals of all sorts and ages and sizes are coming there by the tens of thousands almost every day, not only to be marketed for beef or pork but to be distributed throughout the length and breadth of the Western States especially.

It is no small affair to undertake to institute a system of inspection and quarantine in the State of Illinois that will protect the people of this country. As I said the other day, when I had the honor of occupying the position of governor of the State there was a law passed giving us some power over that question, and I instituted a sort of quarantine, a sort of inspection, but it was the merest trifle with all that we could do. Cattle would come through. We could not interfere with the commerce of the country sufficient to protect the interests of our farmers.

I submit to the gentlemen who are especially opposed to these measures because of their constitutional scruples whether one State has the right to set itself up and say that in the case of those train loads of stock that are moving from one portion of the country through the State of Illinois, for instance, whether that State has the constitutional power under the Constitution of the United States to stop those trains and inspect the cattle and hogs and horses that may be in them? I do not believe we have it. It is true we have a sort of quarantine power, I believe it has been so decided, but one State has no right to interfere with the traffic going on, the commercial intercourse, between the several States of the Union. I submit whether we are not standing here splitting hairs upon this question while the property of our people is in great peril from these contagious diseases referred to.

The Senator from Ohio says that we occupy the position of a man without legs, who can not walk, not because nobody is willing to help him, but because he has not got the legs to walk. If we have not got legs enough to walk on in this country, so that we can protect the property of the country, we had better find some as soon as we can.

The Senator from Ohio says that it is true we have voted measures under an inspiration of generosity and sympathy for different people in this and other lands. I say that it was all right that the Congress of the United States should manifest a little generosity once in a while toward people who are suffering, but while we are doing it may it not soon occur that the people of this land, suffering as the result of the loss of their property from these contagious diseases, will be calling upon him then to vote appropriations to keep them from this destructive evil that is liable to spread over the country?

So far as I am concerned I want the Government of the United States to extirpate, if possible, these diseases at once and protect the people of this land from having their property destroyed. The longer we higgie about it the more expensive it will be, and my word for it the time will come when the Congress of the United States will be compelled to do it if they are unwilling to do it to-day. It is but a drop in the bucket to-day. This pleuro-pneumonia or lung-plague, as it is called, is breaking out in a few places in the country. It has not reached the West yet. The disease referred to in the resolution of the Senator from Kansas, the foot-and-mouth disease, has broken out in two or three places in the West, we are told. If we will take prompt measures to-day and make such appropriations as are necessary, we can get rid of all these contagious diseases. In my judgment it is the duty of the Congress of the United States to pass such laws as will prevent the recurrence of it by the importation into this country of cattle and animals of all sorts without the most thorough inspection before they are landed upon our shores. If you let it go on from day to day, or month to month, and year after year, it will be but a little while before every State in this Union that has cattle in it will be complaining and appealing to the Congress of the United States for relief.

If every State in the Union and every Territory could by some sort of joint action agree that they would do whatever is necessary to promptly stamp out these diseases I would say that Congress had better leave it alone, because I am not in favor of interfering or taking hold of measures where it is not our bounden duty to do so. But they are not going to do that. Illinois, as I said, might be willing to do it; Kansas might be willing to do it. Massachusetts might or might not be willing to do it. Massachusetts has been doing something in that direction, I believe, already. Whether they have got rid of pleuro-pneumonia entirely I do not know, but it is absurd, in my opinion, to suppose that all the States and Territories are going to act conjointly and promptly together for the

purpose of stamping out these contagious diseases. Let this thing go on until springtime comes, until grass upon the plains begins to grow and the herds begin to spread over them, and then allow these contagious diseases to get among the cattle upon those plains, and instead of requiring \$500,000 as an appropriation to get rid of it, it may cost us hundreds of millions of dollars.

There is another view still, Mr. President, which I will merely allude to before I take my seat. We have to consider during this Congress the action of foreign governments with reference to certain exportations from this country. We are complaining of England, France, and Germany on account of the action of those governments with reference to the hog products of this land, and, as I think, complaining with great cause on account of the interdiction by those governments of American pork. I do not believe myself that those nations have any substantial ground for the course that they have pursued with reference to our products, based upon the allegation that it is unsafe to the health of their people to permit the use of pork in those countries.

I think it has been shown beyond all doubt that the pork and beef exported to foreign nations have been in as healthy and pure condition as that of any country in the world. But it is a fact that the existence of these contagious diseases among cattle and hogs gives an excuse to those governments to exclude these animals, and the trade of our people in those products with the people of foreign nations is much reduced on account of the condition here. I see by reference to a pamphlet placed in my hands that the exports in 1880 and 1881 were 368,463 animals; those of 1882 and 1883 were 212,254; a reduction in the number of the last year below the former of 156,109 animals and in value \$11,506,000, in two years. The exports of fresh beef for two years were less by 40,076,167 pounds and in value by \$2,191,190.

The value of pork decreased in the same time \$3,563,993. This reduction of the amount of exportation of beef and pork is largely due to the action of Germany and France and the belief on the part of the people of those and other countries that our meats are in an unsound condition and not fit to be used.

So, Mr. President, in any point of view in which this subject can be considered, it seems to be of great importance to the people of this country that something be done immediately that will get rid of these contagious diseases and that will result in such action as will prevent the reappearance of such diseases and as will satisfy other governments of the fact that our pork and beef and live-stock are as sound and as safe to be used as are those from any other portion of the world.

Mr. President, I shall not detain the Senate further than to say that while I desire to keep within the purview of the Constitution as closely as any Senator on this floor, I am not willing to throw myself behind technical constitutional provisions and say that we can not do anything for the relief of the people of this country in this emergency. I think we have the power to do what is proposed, and I am in favor of doing it without delay.

Mr. GARLAND. Mr. President, I shall detain the Senate but a very few minutes. I wish to state some things that I deem necessary to go in the RECORD with the remarks made a while ago by the Senator from Delaware [Mr. BAYARD] and the Senator from Ohio [Mr. PENDLETON]. I have said, so far as I am concerned, upon all the points involved in this measure all that I desire. I stated on Friday that when the bill properly called the pleuro-pneumonia bill shall again come before the Senate I may have something further to say, and I will cite some instances in the action of Congress of a more recent date, that I did not take the time the other day to detain the Senate with—instances that were not purely matters of sympathy any more than were the centennial exhibition and the Yorktown celebration. The Senator from Ohio seemed to plant himself upon the matter of appeals to sympathy, if not as a vindication at least as a plausible excuse for the precedents that have been cited. Those are two that did not appeal to any particular sympathy that I know of. Nobody was suffering for an exhibition of either sort. But I have some precedents of recent date which will be more practical and more applicable and that it will be refreshing to the Senate to hear, and when the bill relating to pleuro-pneumonia comes up I will detain the Senate by calling attention to them.

I am a State-rights man myself, but I understand State rights in a very different way from the Senator from Delaware and the Senator from Ohio as applied to this particular question. There is where the difference is. They complain of the latitudinarian or loose construction that I have put upon the Constitution. My judgment is that the construction that they put upon it as applied to this particular subject and kindred subjects is entirely too constipated, and it would bind Congress up so that it never could do anything for the good of the people if that doctrine was carried out.

But the purpose that I rose specially for was to call attention to what the Senator from Delaware cited as a decision of the Supreme Court. The Senator from Delaware would have made a complete citation if he had read a little further and cited the whole opinion of the court. The question was about stopping the sale of liquor in a State. The Supreme Court held very properly that that was a police regulation, and it was something that the party who suffered under could not appeal to the Supreme Court of the United States to reverse as being against the

Constitution of the United States, for the Constitution of the United States had nothing to do with it. But, now, what do the court say? After stating what the Senator from Delaware very properly cited, the court proceed:

Of course—

Said the court in the case of *Beer Company vs. Massachusetts*, (97 United States Reports)—

Of course we do not mean to lay down any rule at variance with what this court has decided with regard to the paramount authority of the Constitution and laws of the United States relating to the regulation of commerce with foreign nations and among the several States or otherwise.

They cite *Brown vs. Maryland*, (12 Wheaton, 419, the old case); the *Licenses cases*, (5 Howard, 504); the *Passenger cases*, 7 Howard; *Henderson vs. Mayor of New York*, (92 United States Reports, 259); the Chinese case from California, *Chy Lung vs. Freeman*, (92 United States Reports, 275); and what is the next case they cite?—the *Railroad Company vs. Husen* (95 United States Reports, 465), which I read to the Senate the other day, in which they said that while they did not undertake to interfere with any police regulations, yet the matter of commerce between the States (and it was cattle in that case) it would interfere with, and so they repeat that and cite it as the last case in the opinion that the Senator from Delaware read to the Senate. That leaves the proposition exactly where I left it last Friday.

I do not desire to detain the Senate any longer. The Senator quotes from Wharton's new work on American law. He commends the course there based entirely on this decision and the others, running back to the case of *Gibbons vs. Ogden*, in 9 Wheaton, in which the question is exactly as I left it. Police regulation is one thing; commerce is another. It is the whole discussion that we had upon the yellow-fever quarantine here, when we not only interfered with the States, but sponged out, obliterated, and destroyed State authority; and that act was passed by a very large majority after a long discussion through the month of May and a part of June.

Mr. BAYARD. Mr. President, so far as I can understand the position of the Senator from Arkansas, he does not differ from me or from that portion of the case I cited decided by the Supreme Court as to the police powers of the States; but he does now undertake to place the power in Congress to pass the resolution under consideration upon the power to regulate commerce between the States. I take it that the power to regulate commerce between the States given to Congress is the same precisely, in the same frame of words and in the same association, as the power to regulate commerce with foreign nations. The clause reads:

The Congress shall have power \* \* \* to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

I take it that the grant of power in the same words, in the same association, is equally broad to regulate commerce between the States. But what is the power of Congress to regulate commerce? Like all other powers, it is to be considered with others that are granted or withheld. There is no such thing as the grant of absolute power from the beginning to the end of this delegation of powers. They are all limited, all relative, and they are all to be construed as a general whole to produce a consonant result. While Congress is given the power to regulate commerce with foreign nations and among the several States, it is not an absolute power, but it is coupled with this provision:

But all duties, imposts, and excises shall be uniform throughout the United States.

And further, that—

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

What is the effect and what is the natural result of the power now claimed? That there is to be a discrimination between the States; that there is to be a local imposition of check and obstacle upon the exports and traffic of some States that is not imposed upon others.

When the Congress of the United States passes a law regulating commerce it must apply to every State alike and it must be uniform. If it were not so, sectional aggression, sectional preponderance would necessarily occur. The weight of population, the weight of property would soon render this what it never was intended to be, a Union of unequal States, with favoritism as to locality; and how long would that endure? How long among American freemen ought it to endure? No, sir; this resolution and this proposition is not founded and it can not be proposed to be founded under the regulation of commerce between the States, simply because it is not, in the first place, a regulation of commerce. The States necessarily have, the communities necessarily have, that first power, essentially the power of self-preservation, and it is for that reason that the quarantine power was given originally, or rather reserved, and has been always exercised in the history of this country by the localities to be affected by it.

Who shall judge of the condition of disease and of health but the community to be affected by it? Who can judge of the danger? The very nature of things requires, the very distances of this great territory over which our National Government extends require, local self-government for the purpose of local self-protection. There can not be wise

legislation without knowledge; and mere space in this country alone, the vastness of space, prevents the acquisition of that knowledge necessary for the purpose of meeting the case with justice and with efficiency.

Therefore, I submit with due respect to the Senator from Arkansas that the power to regulate commerce between the States would be defeated by a proposition that would create unequal regulations in regard to this, that, or the other State. It would act on the State of Texas, which is the great fountain-head from which so much of the food supply of this country emanates; it would act on that State and not on those to whom by the natural course of demand and supply this great body of animals moves. Therefore we should have an utterly impracticable condition of things, the apparent necessity of the case demanding regulations not uniform in character and the Constitution of the United States forbidding that they should be imposed.

So, therefore, I submit that there is nothing in the authority or nothing in the decision just read or the part that I omitted to read. It has nothing to do with the point for which I cited the case. I cited it merely to show that by a late expression of the Supreme Court of the United States, reviewing the period of decision of nearly one hundred years, defining as well as they could define the meaning of the words "police" and "police power," they had adjudged, as all their predecessors without exception had adjudged, that the police power of the State, essential to the State and capable only of being exercised by the State and unreservedly deposited with the State, included among other things and chiefly the health of the people. If anything can be more directly connected with the health of the people of the State than the food which the people are to consume, I am at a loss to imagine it.

There can be no illustration affecting the health of a people more strongly than infected, unwholesome, unmerchantable meats. It is punished in every State I know of; it was punishable by the common law of England; it is punishable in every State of this Union to sell food that is deleterious to human health or what is termed unmerchantable. What power there exists which has always been exercised must exist, and can in the nature of things only exist and be reposed in the local power of self-government of the people, and can not be exercised under the name or by the pretense of regulating commerce between the States, or by assuming a power for which the Federal Government has no warrant in the Constitution and which it never can competently, economically, or justly exercise.

Mr. HAWLEY. Mr. President, I do not propose to rehearse the well-known doctrine in relation to the State and Federal Governments any further than to state my view in two or three sentences.

The United States Government has all the powers that are granted to it. All the other powers are reserved in the hands of the people or the States. A State may exercise all powers, rights, and duties that are not forbidden to it by the Constitution of the United States, and its Legislature, as representing the people of the State, may do this unless it be further restrained by the State constitution, and under that, as the Senator from Delaware has said, work of the description we are talking about begins primarily with the States.

One distinguished Senator has asked us what we can do if we can not pass bills like those that have been under consideration in this and previous Congresses. If he will kindly give me his attention I think I can show very briefly what we can do.

A statute of the State of Connecticut providing for a State board of agriculture is contained in ten sections. I will read sections 6 and 7:

SEC. 6. For the purpose of preventing the spread of contagious diseases among domestic animals, said board may, when in its judgment public safety demands, prohibit the introduction of any such animal into this State.

That the State has a right to do.

When any contagious disease exists in the State the board may quarantine all infected animals or such as they suppose have been exposed to contagion; prohibit any animal from passing on or over any of the highways near the place of quarantine, enter upon any premises where there are animals supposed to be infected with any disease, and make all investigations and regulations necessary for the prevention, treatment, cure, and extirpation of such disease.

SEC. 7. The board may appoint suitable persons to inquire into and report to it all violations of law and of any regulation made by it, and may also appoint three commissioners on diseases of domestic animals, who shall have all the powers of the board in regard thereto.

That act was supplemented a few years afterward by this one, directly applicable to the case in question:

SECTION 1. The State board of agriculture, or in case said board have or shall appoint commissioners on diseases of domestic animals under the provisions of section 7 of the act to which this is an addition, then said commissioners may, when in their judgment the public good shall require it, cause to be killed, and to be disposed of afterward as in their judgment may be expedient, any animal or animals which in their judgment are infected with or have been exposed to and are liable to communicate to other animals any contagious disease.

SEC. 2. The said board of commissioners, after notice to the owners of such animals, or, if the owner does not reside in the town where such animals are, to either the owner or keeper of such animals, shall cause all animals, before being killed under the provisions of the preceding section, to be appraised at their assessed value in their respective towns by the assessors, or a majority of them, of the town where such animals are kept; and it shall be the duty of the assessors of the several towns to make such appraisal upon the request of said board of commissioners, and two-thirds of such appraised value of such animals, if killed, shall be paid to the owner thereof by the State, upon the approval of the governor.

Mr. President, that covers, within the limits of Connecticut, the whole case. It prevents the bringing in a diseased animal; it takes care of the diseased animal after it is brought in; if need be it kills it and pays

the owner two-thirds of the appraised value, it being proper enough that he should lose something of it for various reasons, that he may be cautious for himself, that he may have not a motive to impose upon the State, &c.

This having been done, what else remains for the protection of the State? Certain work that is clearly and indisputably, by the assent of both sides and every Senator, within the Federal jurisdiction; and that is to watch over all diseased animals upon the navigable waters and upon vessels coming from abroad and guard their transportation between the States.

There is not a lawyer here who will disagree upon the provisions of a bill embracing only these points that I have referred to, because they are clearly provided for in the section of the Constitution concerning commerce with foreign powers and between the States. Therefore my answer to the Senator who asked what we shall do if we can not pass these bills is simply this: Let each State do what I am happy to say my own State has done, and then we shall agree upon the pending bill concerning these diseases with one section out of it, and the whole subject will be completely and satisfactorily covered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee [Mr. HARRIS] to indefinitely postpone this joint resolution.

Mr. PLUMB. I shall discharge my duty on this measure in a very brief way. When I drew the resolution, as I did somewhat hastily at my desk, I thought it was a very incomplete paper; I thought it contained a very innocent proposition, one that I did not conceive would be the subject of any extended debate in the Senate as involving any question of the exercise of doubtful power. It has led to a discussion which has been very instructive and learned, but which, it seems to me, has been apart from the true issue in this case.

I am not competent to enter upon that branch of the discussion with anything like authority, but to negative the idea contained in this resolution is to say that the Federal Government must remain absolutely powerless, although all the cattle and sheep and hogs of this country should be actually decimated. No matter how inadequate the local authorities might be, the Federal Government, according to the theory advanced by the Senator from Delaware and the Senator from Connecticut, is absolutely estopped from doing anything whatever. So long as the disease exists in any State there can be no power in the Federal Government anywhere to do any single thing which shall even tend to the protection of the public interests by way of eradicating the disease or preventing its spread.

When, a few years since, there was a suggestion of yellow fever at New Orleans or Memphis, the Senate, under the leadership of the Senator who made the motion to indefinitely postpone this resolution, passed a measure designed to and giving to the President of the United States and to a national board of health created by national law arbitrary power, with or without the consent of the States in which that disease might be found, to take effective measures to stamp it out. It was no more a national question if it existed in two States than if it existed in one. There can be no umbilical cord connecting two localities and sections. There can be no connection between the disease existing in one State and another State which gives it an interstate character which it does not possess if it exists in one State alone. The character of the disease, the liability to its spread, the general consequences of destruction, the great fears to be suggested by its spread, are the consequences of the emergency which make it a national question, or it never can be made so.

The State of Connecticut has stamped out certain diseases, as we have been informed, in that State, and paid the damages out of its own treasury. It has done all this by a machinery which it has itself provided, and we are invited to follow that example. Mr. President, this is not a question that now affects the State of Kansas any more nearly than it does the State of Missouri, the State of Illinois, the State of Iowa, or the State of Texas. The circumstances existing west of the Mississippi River, and in fact west of the Alleghany Mountains, in all the great States where cattle-raising is a business, and where it is the means of livelihood of a large proportion of the people, and where it is one of the greatest interest not only there but by reason of its great importance to the entire country, are entirely different from what they are in Connecticut.

There the cattle are few in number. The man who owns fifty head of cattle is a man of note. The cattle are usually kept in confined quarters, in stalls, in small pastures, in stables. They are domestic cattle, kept for milking purposes. They do not come in contact with other cattle; they are not driven hither and yon; they do not find their way to distant markets; they are kept at home, and they lack giving a full supply of meat to the people of that State; but the cattle of Kansas are to-day on the prairies of Kansas and to-morrow they are in Missouri, and the next day in Illinois, and the day after that perhaps they are in New York, and so with all the cattle of all that country.

At the time when the grass springs up and cattle are turned out upon the ranges they range five and ten and fifteen and twenty and fifty miles, coming in contact with other cattle belonging to different persons, and those in turn go ten, fifteen, or fifty miles farther beyond, frequently driven across half a continent; and the existence of disease among herds of cattle thus bound to be widely dispersed is an entirely

different thing, and constitutes an emergency far different from what the outbreak of any disease could be in States in which the circumstances are such as they are to-day in the State of Connecticut.

After the first alarm it is to the interest of the people in the locality where the disease occurs to belittle it. It is to their interest to belittle it until they can get rid of their cattle, until they can send them away. So the very moment the disease is well defined in any locality the men ship the cattle off. The men in Kansas send their cattle into Missouri, getting them away not only for the purpose of sale but, even if they design to continue their ownership, to get them out of the reach of infection. In so doing they may save the cattle or they may not. Instead of saving their cattle they carry the infection in among other herds, and this very dispersion, the very cessation of the disease in the locality where it springs up, is a suggestion of added danger everywhere else where the cattle may go.

The situation, as I regard it, is not the only serious cause of the outbreak of this disease, but on account of the time of year. Within the next thirty days these cattle will be on the ranges. They will go into the Indian Territory, they will go into Texas, they will go into Nebraska and Missouri and Colorado, and in all that great space west of the Mississippi River wherever this contamination extends and gets among the cattle on the ranges there will be an absolute physical inability to eradicate it.

That this subject has received consideration at the hands of the officials of the Government is evidenced by the report of the United States Treasury Cattle Commission made to the Secretary of the Treasury on the 21st of July last, in which, after stating the susceptibility of cattle to the disease and the great interests at stake, the commission go on to say:

In this connection it may be well to state that the invasion of the foot-and-mouth disease that swept from Canada over Northern New York and New England in 1871 created something closely approaching a panic. The agricultural papers were full of the subject, State boards of agriculture convened and discussed the question, a convention of delegates from different States met at Albany, N. Y., and it was the engrossing theme for every local farmers' club along the line of infection. This invasion, imported into Montreal with two English cows, fortunately occurred in autumn, and the long seclusion of the herds during the ensuing winter virtually stamped it out, the infection not having extended beyond herds in inclosed pasturages or buildings. Most of our farmers are as ignorant of the disease to-day as they were in 1871, and any new invasion could not fail to produce a similar excitement and consternation.

It should be added that our connection with the States, as well as the United States, brings us constant complaints of diseases supposed to be contagious, but we have not found any evidence of the actual existence of the foot-and-mouth disease at any point among our home herds.

That occurred in the fall and winter. This occurs at the very season of the year when the damage is liable to be the greatest, when the opportunity for its spread is the most considerable, and consequently when the opportunity for stamping it out is at the minimum.

Now suppose that in a given case the State can stamp it out. The National Government can do it easier and better and more effectually. It is not simply that it shall be stamped out, but it is the absolute knowledge so far as that can be imparted by any human agency that it has disappeared. The moment the State of Kansas, for instance, spends a little money and goes through some performance designed to stamp this disease out and notifies the world that it is done, at once there would be a cry of incredulity; men would say at once "that is the suggestion of self-interest; they do not want to be embargoed."

The other day when the governor of Illinois caused it to be announced that he would probably quarantine cattle from the State of Kansas, at once dispatch was sent to him that the disease was not as bad as it was supposed to have been. There at once interest comes in, the interest of the individual, the interest of the locality, and the interest of the State, to so prevent interruption of trade in cattle, to so prevent quarantine against cattle from that locality as to enable the men owning infected herds to get rid of them.

The little finger of the General Government in a matter of that kind is thicker than the loin of the State. It needs a power that can not only go to the locality itself, but can follow the infected herd across the line of the State. Every herd that has left the State is infected. They can seize upon it if it is infected everywhere that it may manifest itself, and while one State is acting the disease is communicating itself to the cattle of another, and so on all the way round, until State action will be futile, because as fast as it may be stamped out in one State or thought to be stamped out the contagion existing in other regions will be communicated again, and there is no possibility of joint action which will be absolutely effective.

It has been suggested by the Senator from Delaware that we are laying the foundation for expending two and a half million dollars or perhaps more. As the Senator from Kentucky [Mr. WILLIAMS] suggests, suppose we do; if the emergency is equal to the expenditure, the expenditure ought to be made. But that was coupled with the ungenerous suggestion which I understood to have been drawn out in the statement of the Senator from Texas [Mr. MAXEY] that behind all this was some covert idea or expectation on the part of cattle-men undertaking to sell their cattle to the Government. That was unworthy of the Senator who made it, if I understood him aright, and especially unworthy as I think of the Senator from Texas, representing as he does the cattle-men of that State, who have looked to him so long as their



able representative on this floor. He knows they do not need any Government purchase of their cattle, that they are as good as gold in the market of the world as long as they are healthy, and nobody would prefer the Government as a purchaser of his cattle. There is no basis or foundation for an insinuation of that kind.

But, Mr. President, there is no necessity even for the Government to be committed to a large expenditure. If this thing is taken now in its infancy, in its first stages, a few thousand dollars will do what some hundreds of thousands would probably not do in the next month or two. The agent of the Commissioner of Agriculture, or the Commissioner himself, can go to the place where the disease exists; he can direct the segregation of infected cattle in various ways, putting them into stables, in herds and pens, enforcing simply by his suggestion, by his command, perhaps, but a command which he will not need the authority of troops or any other physical force to enforce, whereby there can be absolute non-intercourse with the infected districts. Any suggestion that he will make will be heeded and carried out; he will not need to purchase the cattle, perhaps not a single head of them. The men will themselves submit to have the cattle which he, in his judgment, will say are necessary to be destroyed, and will submit to losses of that kind gladly rather than stand there and wait until they have to submit by the spread of the disease to greater losses. It is not committing to him a dangerous power. As we do not give the machinery, so we do not put it in his power to exercise that power which some would imply.

So far as concerns the question of the creation of claims against the Government hereafter, I propose hereafter, if we shall ever come to that point, to move an amendment expressly excluding anything of that kind, amounting to a direction, to a notice that the General Government is not to be responsible beyond the amount appropriated in the resolution. The amount is small, I know. That is made the subject of complaint. It can be enlarged. I think it ought to be greater, because since this debate began there is notice here of the outbreak of this disease in Illinois, notice of the outbreak of the disease in Iowa, and if I am not mistaken a Senator on this floor has a dispatch from the governor of Missouri calling the attention of that Senator to what he supposes to be an outbreak of the disease in that great State. I know dispatches were published in the newspapers of yesterday stating that the disease had broken out in one of these States, and if this debate shall continue for a few days longer I think the necessity for it will become more and more apparent; and as the necessity grows so also does the responsibility for delay.

What is the interest which is represented by the hundreds of millions of dollars involved? It is of immense consequence not only to a few States but to the nation in the aggregate. It is a question which involves the dependence, the independence of the people of the United States. While I would not for that reason have Congress enter on doubtful or dangerous ground, certainly in view of the precedents we have, those we have ourselves made, it can not be that the investment of a comparatively small sum of money to be used in co-operation with the authorities of such States as may feel the need of that co-operation in any way violates the Constitution of the United States. If it is lawful by the Federal authority to destroy and stamp out the yellow-fever in the city of Memphis and the city of New Orleans, it is as lawful for the General Government to enter into its sacred precincts and in company with the State itself stamp out any disease which by its spread threatens the vital interests of the people of the United States.

Mr. VEST. Will the Senator accept an amendment to strike out "the State of Kansas" and insert "the States in which the same may be used?"

Mr. PLUMB. Certainly, so far as I can accept it. I said the other day, I said from the beginning, that I was entirely willing to have its scope extended. I did not want in drawing it to make the suggestion, or be responsible for it, that the disease existed elsewhere. I left that to be made by the parties interested. I am not only willing but anxious that it shall extend everywhere. As I said, it is not to-day a question that concerns the State of Kansas any more than it concerns the State of Missouri, and it no more concerns the State of Missouri than it does the State of Connecticut, because of this interest which builds up the great commercial interests of the country and feeds the people. While we may all be too suspicious, and this may not prove as serious as has been anticipated, it may prove a great deal more serious; and the mere suggestion, however faint it may be, that the herds of this country are threatened with this disease, or with any other contagious disease, and that there is not one single line of authority on the statute-book of the United States authorizing anything to be done and not one single dollar of money that can be applied, ought to be enough of itself to cause Congress to hasten, not delay, to the adoption of every measure that may be necessary, and which is consistent with a fair judgment as to what the power is, to put in motion the machinery to stamp it out and arrest the evil.

But, Mr. President, I believe the danger is greater than any anticipation that has yet been formulated about it. I have a letter in my pocket from one of the most intelligent cattle-men of my State. He says it is impossible to get a quarantine while every man wants to get his stock away, disregarding the public safety and everything but his own interest. It seems to him that the danger is greater than can be

estimated or imagined, and he fears that no machinery that will be applied from the single standpoint of the immediate locality in which the danger exists will ever meet the case. As I said the other day, we want a national government that can equalize this, that can say whether Illinois shall quarantine against Kansas and New York against Illinois, and when it shall be said authentically that the disease has disappeared, that it has been stamped out, it should convey that news in an authentic manner to every place where it is material to know the fact.

Mr. President, one of the reasons why Great Britain is legislating against our meats has been the fact that it has been understood there, or at least it has been assumed to be understood, that the foot-and-mouth disease existed in the United States. The report of this same cattle commission contains the orders of the privy council of Great Britain on this subject, orders based upon the alleged existence of foot-and-mouth disease in this country. It is a question that affects our foreign commerce.

It affects the ability of the people of the United States to export their cattle to the markets of Great Britain. We are liable at any time on account of this to have an entire embargo upon all this great interest; not merely an embargo on the part of one State against the cattle of another State, but an embargo against our export of cattle by the entire civilized world. And in view of these great interests possibly to be affected, probably to be affected, nay, affected now directly, as we ourselves know, it seems to me that we ought to hasten at once to the remedy that we can provide, in order, first, that the truth may be known; in order, second, that the cure may be applied, and in the next place that the world may be advised of what we have done and its effect upon this great interest, in order that our commerce may once more go along, as it has heretofore, unquestioned.

Mr. HARRIS. Mr. President, I certainly should not have troubled the Senate with a single word in respect to this measure if it had not been for the allusion made by the Senator from Kansas [Mr. PLUMB] a moment since to the fact that the motion to indefinitely postpone was made by myself, and to the fact that a few years since a bill that I had the honor to introduce and which was passed into a law, known as the act of the 2d of June, 1879, he seems to regard as a precedent for the legislation sought by his joint resolution. I only rise now for the purpose of calling the attention of that Senator to the fact that they are by no means similar or kindred propositions. The bill to which he refers had but one single object and purpose, and that was to so regulate commerce as to prevent the introduction of contagious or infectious diseases from foreign countries into this country or from one State into another—simply and wholly, a regulation of commerce with foreign nations and among the several States. Not a single feature of the bill to which the Senator referred as introduced and advocated by myself proposed to authorize the National Board of Health to go into a State and deal with a disease confined to the limits of that State, except so far as the dealing with it might become an absolute necessity to prevent its introduction into other States from the particular State infected.

Mr. PLUMB. That is precisely what this measure intends to do, eradicating it so that it can not be imported elsewhere. It is not for the relief of the persons who are particularly interested in the sense of having cattle infected. There is nothing plainer than that, I think.

Mr. HARRIS. The difference, as I think, between the bill to which the Senator refers and the pending measure is this: One, as I have already explained, simply proposed to regulate commerce so as to prevent the introduction of contagion from foreign countries into this or from one State into another, while if I understand the resolution of the Senator from Kansas it is a distinct proposition to take from the Treasury a sum of money for the purpose of dealing with a disease that is described as existing in a single State, and not to the matter of its transmission from one of the States to another State. In other words, the bill to which he refers as advocated by myself was purely intended to be no more nor less than a regulation of commerce. I can hardly think the Senator from Kansas will treat his resolution as a commercial regulation.

But I do not propose to go into the discussion of the merits of the question. Believing, as I believe, that we have no power to take money from the Treasury of the United States and appropriate it to dealing with this disease in a single State, I shall vote to postpone indefinitely the Senator's resolution, and if that motion shall not prevail, when it comes upon the question of its passage I shall vote against it.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the further consideration of the joint resolution indefinitely.

Mr. CONGER. On that motion I ask for the yeas and nays.

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

Mr. BOWEN (when his name was called). I am paired with the Senator from Florida [Mr. JONES]. If he were present, he would vote "yea" and I should vote "nay" on this motion.

Mr. HAMPTON (when his name was called). I am paired generally with the senior Senator from Rhode Island [Mr. ANTHONY]. I do not see his colleague here and I do not know how he would vote on this proposition. I therefore refrain from voting. If at liberty I should vote "yea."

Mr. VAN WYCK (when Mr. MANDERSON's name was called). My colleague [Mr. MANDERSON] would vote "nay," but he is paired with the Senator from South Carolina [Mr. BUTLER].

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

Mr. SLATER (when his name was called). On this question I am paired with my colleague [Mr. DOLPH]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 15, nays 32, as follows:

YEAS—15.			
Bayard, Brown, Camden, Coke,	Colquitt, Farley, Gorman, Harris,	Jackson, Maxey, Pendleton, Pugh,	Ransom, Saulsbury, Vance.
NAYS—32.			
Allison, Blair, Call, Cameron of Wis., Cockrell, Conger, Cullom, Dawes,	Edmunds, Frye, Garland, George, Hawley, Hill, Hoar, Ingalls,	Logan, Miller of Cal., Miller of N. Y., Mitchell, Morrill, Palmer, Pike, Platt,	Plumb, Sawyer, Sherman, Van Wyck, Vest, Voorhees, Williams, Wilson.
ABSENT—29.			
Aldrich, Anthony, Beck, Bowen, Butler, Cameron of Pa., Dolph, Fair,	Gibson, Groome, Hale, Hampton, Harrison, Jonas, Jones of Florida, Jones of Nevada,	Kenna, Lamar, Lapham, McMillan, McPherson, Mahone, Manderson, Morgan,	Riddleberger, Sabin, Sewell, Slater, Walker.

So the Senate refused to indefinitely postpone the joint resolution.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Massachusetts [Mr. HOAR] to postpone the further consideration of the joint resolution until Friday next.

Mr. HOAR. I made this motion last week, in the absence of any authentic information, in order to gain some brief postponement. That has already happened. That is, three days of the seven contemplated in the original motion have already expired; and while I am not myself informed as to the necessity of this matter sufficiently, yet the Senators representing the States affected claim to be, and I withdraw the motion.

The PRESIDENT *pro tempore*. The motion to postpone is withdrawn. The question recurs on the amendment of the Senator from Texas [Mr. COKE] to amend the paragraph proposed to be stricken out by the motion of the Senator from Ohio [Mr. SHERMAN].

Mr. SHERMAN. I desire to renew the motion of the Senator from Massachusetts, merely to state briefly why I should vote for such a proposition if it was pending. I do not wish to consume time.

I am not troubled at all by the constitutional scruples which have been stated on the other side of the House. I do not care to discuss them, although I could not doubt repeat old arguments and answer old arguments again that have been discussed time out of mind. My objection to this resolution and the reason why I should like to have it postponed is that it is totally inadequate and impracticable; that we ought to deal with this question, not by piecemeal, not in small sums like this, not with undefined powers, but by some practical measure of legislation which will enable effective action to be had to stamp out infectious diseases among domestic animals. I am yet in hopes that the Senator from Kansas, seeing that this debate on his little resolution of \$25,000 has drawn out all the fire of the adversary, will allow the real question, the real bill, to come up, and if he chooses to ingraft this proposition on that bill, I would vote for it with the greatest pleasure.

But for us now to have wasted one or two legislative days in considering a measure so imperfect as this, when we have before us a proposition so important as the pleuro-pneumonia bill, it seems to me is a wasteful loss of time and making a needless controversy with the House. They have sent us a bill which, imperfect as it is, is an important one, and can be made vastly more important by suitable amendments that I hope the House will agree to; but now if we, having their bill on our table reported to us, send them a joint resolution involving only a single disease, much less important than pleuro-pneumonia, and appropriating only a small sum, without defining the powers of the Commissioner of Agriculture, it seems to me we are trifling with a great and important subject.

Mr. President, my hope is that, the Senator from Kansas having made his demonstration, and it appearing that there is really no pressure now in Kansas, in Missouri, or in Illinois that can not be dealt with by the local authorities, he will allow this resolution to stand over a while and take up the more important question of the general bill.

Let me state one or two practical objections to this measure. This authorizes the Commissioner of Agriculture to spend \$25,000. What is he to do with that money? If it is merely wanted to inquire into the fact whether or not the foot-and-mouth disease exists in Kansas he has already \$25,000, appropriated last year, now in the Treasury, for that very purpose, and the same provision is made in the bill this year.

Last year there was \$25,000 appropriated to enable him to investigate into the causes and all about these diseases, and that money is still unexpended, available at this moment for investigation. What more can he do under this resolution now pending than is authorized to be done under the existing annual appropriation that is made for this purpose? Nothing, unless he has the power to go in and kill diseased cattle. It is confined now; it ought to extend to sheep and hogs, because they are subject to this foot-and-mouth disease as much as cattle. Is there power under this provision as it stands for the Government of the United States to seize the private property of individuals? How can he act in the absence of all law defining the mode of seizing on this property, the mode of paying for it, the mode of ascertaining its value, and all the various particulars that are essential to a practical measure? It is impracticable. All he can do if this resolution passes is to inquire into the existence of the alleged disease in Kansas and when it is extended to the other States, but he dare not seize and kill a man's cattle, because he has no legal authority to do it unless some provision is made for payment for the cattle, because the Constitution in its plain provisions does come in and declare that private property shall not be taken for public use, to prevent the extension of the disease into other herds, unless it is paid for. Unless some provision is made for its payment it would be a usurpation on the part of the National Government to seize a man's private property. It can not do anything with it at all until some provision is made to pay for it. How shall it be ascertained? How far would \$25,000 go to stamp out an infectious disease in a herd of cattle? How many cattle would that kill? One thousand, perhaps, at \$25 a head.

This shows that the measure is totally inadequate for the purpose; that it has not the necessary provisions to carry it into effect. There is a still graver feature in regard to these infectious diseases. Cattle may be imported from all the countries of the world now under the provisions of the existing law, subject only to be put in quarantine, but I very much doubt whether the quarantine, although it was established on my order, is authorized by the existing law. I doubted it at the time. There is very grave doubts of it when you come to examine the power conferred by Congress, until the last two or three years, to establish quarantine. Now, there is no power in this Government to kill or destroy any animal imported into this country although it has the mouth-and-foot disease. The Secretary of the Treasury and the proper officers of the Government have communicated to Congress over and over again that he is in that dilemma; that if a herd of infected cattle are brought into this country there is no power given to that Department or to any Department of this Government to destroy those cattle, although they are plainly covered with disease. There is no law authorizing it. He may put them in quarantine, but where an imported herd is brought here and put into quarantine it does disseminate the disease. There is no power to destroy the herd or a single head of the herd.

With this imperfect state of the law on the subject of quarantine on the subject of contagious and infectious diseases, why is it not better to take up the bill sent to us by the House and ingraft on it such additional provisions as will enable the measure to be effective, and in the two days we have wasted on this debate we might probably have passed a law that would stop the terrors that now threaten the whole Western country.

Under its quarantine the Treasury Department prevented the extension of pleuro-pneumonia across the Allegheny range. It has existed for many years; it has been imported into this country, and ever since 1866 it is admitted that pleuro-pneumonia has existed in the District of Columbia, in Maryland, Pennsylvania, and all along the coast. Massachusetts is the only State that seized upon it and stamped it out, as they say. Connecticut no doubt has passed very wise laws on the subject. But the pleuro-pneumonia has existed now for sixteen years in all these States, but it has never crossed the Allegheny Mountains. Suppose it should cross that mountain range, suppose a single herd, yes, a single ox or a bull or one of these valuable cows that are brought over from Europe should be affected with pleuro-pneumonia which prevails in almost every country of Europe, and convey by contact that disease to our herds in Ohio and Kentucky, which, although not so numerous as the Western herds, are immensely more valuable per capita, because they are more highly bred and much more valuable in many respects. Suppose you get pleuro-pneumonia into that region, nothing in the world would prevent its extension westward. Why? Because the regular course of merchandise is for the Western dealers to go to Ohio and Kentucky and all these high-breeding States and take out cattle to improve their stock; and if we should once get this disease into Ohio it would be carried into Indiana, Illinois, and so on to the Western plains; and once get a single herd in the plains diseased, and there is no power under heaven except the destruction of vast herds that could stop that terrible evil.

Mr. President, I say therefore that we are wasting time in considering this resolution, because it does not reach the magnitude of the evils that threaten our country, although it is just as natural as can be for the Senator from Kansas to seize upon a single diseased herd in probably a single county in the State of Kansas and rush here to ask us for \$25,000 to help stamp out this foot-and-mouth disease which, although probably worse in some respects than the pleuro-pneumonia, is not so dangerous, is not so destructive. According to the English

authorities it has never carried away 10 per cent. of any herd, and usually not more than 2 or 3 per cent. It is a disease that expires in six days. It is like comparing the chicken-pox with the small-pox, when you compare the foot-and-mouth disease with pleuro-pneumonia, which destroys immense herds and has actually made it impossible to raise cattle in certain parts of Australia.

It seems to me that we ought to deal with the greater question, and then we can by simple provisions of law prevent the importation of diseased cattle and provide for their destruction. There can be no question of authority upon that subject, because that is plainly a regulation of foreign commerce, and we can prevent the dissemination of the disease through our own ports. There can be no question about it. Although I do not see any reason why I should not vote for this resolution if it shall be pressed to a vote and sent to the House because I am in favor of a stronger measure, at the same time I am in hopes the Senator from Kansas will allow us to take up the other bill and proceed with that and finish it. I hope in that way we shall get a practical measure in a safe form to send to the House, and we shall probably have a law passed much sooner than it will be if passed in the form of the present resolution.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. SHERMAN] moves that the further consideration of the resolution be postponed until Friday next.

Mr. SHERMAN. I will say for one week.

Mr. PLUMB. Let me ask the Senator from Ohio, if we can not get all we want, must we not have anything? I do not claim that this is adequate to a great emergency or perhaps equal to the emergency that is on us now; but we have had notice filed upon us here that the bill of which he speaks and which he thinks ought to be passed, as I do, will be debated at great length. There is no probability that the bill will become a law inside of three weeks. It may not become a law inside of a month or six weeks, and perhaps even not at all, as is suggested from the other side.

This resolution is at least a step in the right direction. If it does not do all that is required, it must be remembered that it commences at the incipency of the disease. If it does not meet the emergency in the State of Kansas where the disease has broken out in the most virulent shape, it may eradicate it in States like Missouri and Illinois where it is just getting a foothold. It can not do any hurt.

If the Senator from Ohio thinks the amount appropriated is not large enough, I am sure the Senate will listen to him while he moves to make it larger. If we do not give the Commissioner of Agriculture the power which he says he ought to have, we at least give what many gentlemen on the other side of the Chamber hold to be an unconstitutional power, and we put him in the field to do what he can do and what now he can not do. We shall at least have added something, and that too immediately, to what now exists, or rather we shall have put in the place of nothing something which can not but give the Commissioner the authority to do something at least to alleviate the danger and to prevent its further spread.

In addition to that, Mr. President, the bill which the Senator mentions provides elaborately for the drawing up of rules and that they shall be submitted to the State authorities, and nothing can be done under that bill until all this machinery has been provided, and that will take months longer. Certainly we shall not under ordinary circumstances get into operation under that bill before next fall.

The PRESIDENT *pro tempore*. Will the Senator from Ohio state whether his motion was to postpone until Friday or for a week?

Mr. SHERMAN. For one week.

The PRESIDENT *pro tempore*. The Chair understood the Senator to renew the motion of the Senator from Massachusetts. The Senator from Ohio moves that the resolution be postponed for one week.

Mr. HAWLEY. I intend to vote for that motion, but before doing so I wish to explain that it is because I am quite willing to vote to take up instantly the general bill and proceed with all haste to perfect it and adopt it. I will do anything within reason to prevent this evil from spreading.

Mr. SHERMAN. In order to test the sense of the Senate, I will move, without desiring at all to take charge of the bill, to take up the House bill at this time. That is perfectly in order.

Mr. INGALLS. I raise the point of order that that motion can not be made at this stage of parliamentary proceedings.

Mr. SHERMAN. To postpone this resolution and take up the House bill?

Mr. INGALLS. That was not the motion.

Mr. SHERMAN. But that was the motion I designed to submit. I do not desire to antagonize this measure; but this is an imperfect measure, and I think it would be wise for the Senate to do what I propose. I therefore submit the motion.

The PRESIDENT *pro tempore*. The Chair is under the impression that this bill, not being a special order, a motion to take it up comes under the provisions of motions under Rule IX. He intimated a different opinion the other day; but he is satisfied on further examination that on the suggestion of the Senator from Massachusetts [Mr. HOAR] the Chair was in error strictly on that point.

As this measure is not a special order, and as it is now after 2 o'clock

and the bill is on the Calendar, the Chair thinks Rule IX does apply to it; and if it does, then the second provision of the rule that "a motion to proceed to the consideration of any other bill on the Calendar may be made" applies, and such a motion has all the privilege of a question of order, so that the motion is to be decided without amendment and without debate. The Chair will entertain the motion of the Senator from Ohio.

Mr. BLAIR. It does not seem to me that the pleuro-pneumonia bill can at this time, as a matter even of good faith, be brought before the Senate for discussion, certainly not without the opposition of every friend of the pending measure.

The bill relating to common schools was before the Senate for discussion as a special order and laid before the Senate. It had the right of way. The Senator from Kansas [Mr. PLUMB] had introduced this resolution and it was being discussed in the morning hour, at least prior to 2 o'clock. By an explicit arrangement and understanding between ourselves I assented to the informal laying aside of that bill in order that his resolution might be disposed of, he saying that if that was done the pleuro-pneumonia bill proper might be postponed without any opposition from the friends of this resolution, and in fact they would aid in securing the immediate consideration of the school bill. Now that being the fact, the matter went on under this order of the Senate made by unanimous consent:

The PRESIDENT *pro tempore*—

At 2 o'clock on Friday—

The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the special order, being the bill (S. 398) to aid in the establishment and temporary support of common schools.

The Senator from Arkansas [Mr. GARLAND] was then speaking. I rose and said:

I have no desire to interfere with the remarks of the Senator from Arkansas. In fact it would, of course, appear to be a discourtesy to him, and after a conference with the friends of the pending joint resolution I have consented that the special order be laid aside informally, to be taken up when the pending measure is disposed of—

It might be during that day, or it might be during to-day, but whenever the pending measure was disposed of the school bill was to be taken up—

The PRESIDENT *pro tempore*. Is there objection to laying aside the special order informally for the further consideration of the resolution which has been before the Senate? The Chair hears no objection.

Contrary to the expectation of the friends of the resolution, or I think any one else, it consumed the entire day in debate, but with the understanding on my part, and I think it must have been on the part of everybody, that the school bill was simply laid aside informally, the matter went over until to-day. To-day at 2 o'clock, while the honorable Senator who has made this motion was in the chair, I called up the matter again and stated the circumstances; he placed the school bill before the Senate and it was put in that way, that by declaration of the Senate, unanimous consent of the Senate, it stood the same as though again informally laid aside, and it has now the right of way, and by a single objection I suppose the further consideration of this resolution could be prevented and the school bill become at once in order.

I hope under these circumstances the Senator from Ohio will not press his motion. I do not think it would be an act of good faith under all the circumstances.

Mr. SHERMAN. In consideration of the fact that the Senator from New York [Mr. MILLER] who has charge of the pleuro-pneumonia bill states that his purpose is to bring it up as soon as possible before the Senate I withdraw the motion to postpone, and shall make no further opposition to what I regard as an insufficient measure.

The PRESIDENT *pro tempore*. Does the Senator from Ohio withdraw his motion to postpone for a week?

Mr. SHERMAN. Yes, sir; I withdraw the motion.

Mr. HOAR. I hope the Chair's intimation will not stand as a ruling of the Chair, because I would desire to call the Chair's attention to some considerations connected with it if it were to be a question of order. Of course I shall not take time to do so now.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Texas [Mr. COKE] to amend the paragraph proposed to be stricken out by the motion of the Senator from Ohio [Mr. SHERMAN].

Mr. MORGAN. Let the amendment be read.

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

The CHIEF CLERK. After the word "agriculture," at the end of the fifth line, it is proposed to insert "with the consent of;" and, in lines 6 and 7, to strike out "of the State of Kansas" and insert "of the State in which it may be used."

Mr. DAWES. Is that all one amendment?

The PRESIDENT *pro tempore*. It is strictly two amendments in two different places.

Mr. DAWES. I ask for a division of the question. There seem to be two independent propositions. I should be very glad to vote for the latter one but not for the former.

The PRESIDENT *pro tempore*. The Chair thinks the Senator has a right to have the question divided, as there are strictly two separate amendments.

Mr. DAWES. I ask for a division of the question. I do not want any such State-rights doctrine as is implied in the first part of the amendment.

The PRESIDENT *pro tempore*. The Chair will then put the question on the first amendment proposed by the Senator from Texas, which is to insert after the word "agriculture," in the fifth line, the words "with the consent of."

Mr. MORGAN. Mr. President, I regret very much that the Senator from Massachusetts should be compelled to express himself on any occasion in favor of the rights of the States against the Federal Government, for I have no doubt that the Senator from Massachusetts, representing an ancient Commonwealth, has brought himself to the conclusion that there is nothing that the United States may desire to do in respect to the matters which rest properly in charge of the States that it may not do.

Mr. DAWES. I do not consent to concede to any other Senator any more solicitation for the just rights of the States than myself. No Senator here will go further than I will go to defend the States in all the rights they have, but I do not propose by any action of mine to set a State up above the United States.

Mr. MORGAN. The State of Massachusetts will not be set above the United States, nor will the State of Kansas, by my consent, except in respect to those powers that belong peculiarly and exclusively under the Constitution to the States; and within those powers I have no doubt that I have the sympathy and the concurrence of all the real, well-instructed publicists in this body when I say that the States are just as supreme within the line and limit of their own sovereignty as the United States is within the limits of its sovereignty.

But the alarm which the Senator from Massachusetts seemed to take at the language which the Senator from Texas desires to strike out of the resolution and incorporate in lieu thereof was based on the idea that it contained some suggestion of State rights. This measure, Mr. President, has undergone a considerable investigation upon questions of constitutional law that are supposed to be involved in it. I do not propose to review the grounds that have been taken, or to undertake to vindicate either of the opinions of Judge Story in his commentaries as expressed on both sides of this question, as he has I believe on both sides of almost every question that he ever indulged in a commentary upon. So far as his authority goes it is certainly very high, very eminent. It leaves every man who is to follow him in discussion and in making up his opinion to his own right of private judgment upon every constitutional question. Perhaps that is the best disposition he could have made of it after all, for I do not think any set of jurists have ever existed in this country who could arrogate to themselves the absolute right of defining in advance and for all coming generations what should be the construction of the Constitution and its application in every particular to the emergencies as they might arise in the course of national administration or State administration in the United States.

I am very glad that our Constitution has an opportunity of growth, something similar to that which has taken place in the constitution of England, predicated upon the solemn judgment of the people as they progress from stage to stage and from year to year in civilization and in the remarkable development of science, of energy, and of prosperity. The words of the Constitution were left purposely to a large extent indefinite, so that we might find in their subsequent application, as I think, that there was not too much friction in any portion of it, but that we were left to a just and fair interpretation of its powers according to the general intent and purpose as expressed in the instrument at large, all its parts being taken together.

While, therefore, I am a strict constructionist of the Constitution in those parts particularly which define the jurisdiction of the two governments which we have to deal with here, the State governments and the National Government, I still am not disposed to deny to the Government of the United States those inherent and necessary powers which belong to it as a government. I find that inherent and necessary power to exist for the purpose of defeating an invasion of an enemy, and for the purpose also under some conditions of providing for the general welfare and common defense, and many other matters which might be defined if I chose to take time to do so.

We have, however, two governments here, one a State government, with its peculiar jurisdiction, another a National Government, with its peculiar and separate jurisdiction; and the difficulty that seems to be presented in this case is whether we are bringing these two governments into collision as to their respective powers by the language of the resolution that we propose to adopt. To my apprehension we are doing this; we are undertaking to usurp and to execute through an act of Congress powers that belong exclusively to the States. I would not go to the extent of saying that the Government of the United States can not appropriate money for the purpose of arresting or, as it is said, of stamping out some great existing or threatening danger to the food supply of this great country; but I would say that the execution of the power of stamping out, repressing, or preventing this disease and its spread is undoubtedly in my opinion confided to the States as a police or, if you please to say so, as a quarantine regulation.

Being thus confided to the States, it is the duty and is the right of the State to take charge of the subject, as has been done in the

State of Connecticut so clearly, so forcibly, in its statutes, and in Massachusetts, and also in other States of the Union. Let the States provide the means by which this disease is to be arrested, provide for the condemnation and destruction of whatever property it may be necessary to destroy in order to reach the evil, and then let the United States come in, as it has a perfect right in my opinion to do, and vote a subvention to the States to enable them to pay the part of the expense of this operation which ought justly to be defrayed by the people at large in consideration of the benefits they receive.

I would not object to that; and although my State owes \$10,000,000 and is severely crippled by the results of a terrible civil war, and although we have an enormous population to educate in Alabama who have no property and scarcely the means of earning anything of that sort, and although we feel the burdens of local government upon us perhaps very much more severely than the splendid young State of Kansas, which owes but a million of dollars, and has had very large and splendid contributions from the Government of the United States of public lands, &c., I still would vote to tax my people to raise a subvention for the benefit of the State of Kansas if it can be made to appear here that the State of Kansas needs the Government aid of the United States to the extent of raising \$25,000. If that does appear here, I will vote it; if it does not appear here, I can not justify myself in giving that vote, for all I can do in my judgment of my constitutional powers and rights is to vote the money of the United States to aid a State which is incapable of aiding herself to the extent required by the calamity that is presented.

Mr. COKE. Will the Senator from Alabama yield for a motion to adjourn?

Mr. MORGAN. I did not expect to speak longer than a moment. I do not care about detaining the Senate further. I have stated as far as I have a right to go. I hold no commission here to legislate for Kansas, and I have no right to go into that State and have cattle killed, and therefore I do not want to do it. I want the Legislature of Kansas, that I understand is about to be in session, to take entire charge of this matter. It is said here that the resolution requires that that shall be done, because what we do here is to be done in co-operation with the State of Kansas. Why, sir, we have no more right to co-operate with the State of Kansas than we have to legislate for her in a matter that belongs to her jurisdiction.

When we send out our Commissioner of Agriculture into Kansas to co-operate with that State we send him out perhaps as a servant, a subordinate, of the State of Kansas to do what? If he does co-operate with the State, only to pay over the money. That is all he can do. He can not co-operate in passing a law to buy cattle at the great prices suggested by the Senator from Kentucky [Mr. WILLIAMS] as being paid for Kentucky cattle. That would soon exhaust the appropriation. There is only enough to pay for three Kentucky bulls in this bill. When he gets there with his \$25,000, what will he do? He will first, in order to co-operate with Kansas, find out what Kansas has done. Well, Kansas has not done anything as yet on this subject, because it seems she has no law like Connecticut has, and therefore we must wait until Kansas legislates. If you were to send your Commissioner of Agriculture to Connecticut to co-operate with the State authorities there with \$25,000 he would understand precisely what he had to do. The sovereign Commonwealth of Connecticut having enacted her laws on this question, and having a full corps of officials for the purpose of executing them in a lawful and proper way, the co-operation of the Commissioner of Agriculture in that State would be simply to hand over \$25,000 to the Connecticut authorities to be expended according to the Connecticut laws.

Now, it is precisely the same case or will be the same case in Kansas, because if Kansas does nothing we can not co-operate except in doing nothing. If she does something by the enactment of a law we co-operate and enable her to carry that law into effect.

Mr. HAWLEY. Allow me to remind the Senator that the Legislature of Kansas will meet to-morrow.

Mr. MORGAN. That is the very proposition I had in view. She has no system as yet. To-morrow she will meet to make a system. After we learn what her system is and what her necessities are, then if it is necessary and proper we can vote a subvention to Kansas to help her to do this thing; or we might pledge her in advance now that we will assume such a portion of this expense as may be properly put to the national account, if there is any portion of it that should go properly to that account. That is the whole case as I understand it.

Now, Mr. President, I am opposed to this calamity legislation. I have been worried to death almost listening here every time a tornado passed over one portion of the country or a rain-storm over another, a hurricane somewhere at sea, or a cattle disease, hog-cholera, trichinosis, or the like, and finding Senators rising in their places and proclaiming to the world that their country was laboring under a great calamity, and that it was necessary for us to hurry up and vote money very quickly in order to stop the invasion of some disease or some great evil about the country.

Mr. MAXEY. Suppose that when the Legislature of Kansas meet to-morrow they should assume that the repression of this cattle disease fell within the police power or police regulation of the State of Kansas, and were to proceed to make laws regulating that, would this Govern-

ment have any control over those laws or could we interfere with that right of the State?

Mr. MORGAN. Not a particle in the world; and if she were to make such regulations it would only establish, so far as Kansas understands it and as we all must understand it, that she has a right to pass those regulations; and if she have the right to pass these police regulations I do not see where we get the power to do it. We can aid her with money, but we can not aid her with legislation. We can furnish her any supply of money that is in the Treasury of the United States that may be necessary, but we can not furnish her with any law to manage the thing within her own borders. That is the point I make.

About three or four weeks ago there was sent to the Committee on Foreign Relations a very just series of resolutions relating to the fact that our meats had been excluded from foreign countries because they were alleged to be diseased with trichinosis. That committee have had that subject under consideration, and I hope will be very soon able to report upon it. The Senate debated that subject for a day or two—a very important question. The legislation that was proposed here was upon the hypothesis that we had not been fairly dealt with in foreign countries in respect of the estimate those countries put upon meats we shipped abroad; that there was a false clamor over there about this business. I should like to know, after the debate that has been carried on in the Senate for two days upon this new calamity, how much injury have we inflicted upon the actual value of the cattle that are to be exported to foreign countries. Why, sir, it will rate by millions of dollars necessarily; and yet while we are doing this one of the Senators from Kansas informs us that he believes the whole subject is much overstated; he believes that there is not any great ground for apprehension as to the exigency or the extent or the importance of this invasion of disease among the cattle in Kansas. I hope that that Senator is correct about it, and I am very strongly inclined to believe that he is.

Twenty-five thousand dollars is sought to be appropriated by this resolution to stamp out this enormous national calamity. Why, sir, the nations abroad will laugh at us if they believe that we are in earnest in assuming that there is such a calamity visiting the cattle of this country when we stop the appropriation at \$25,000. They, I hope, will come to the conclusion that a good deal of this clamor has originated in an earnest desire on the part of Senators to express themselves favorably to the interest of a very powerful voting population in the United States—the farmers. I hope they will come to that conclusion, for if they should not I think our steamships—not ours, but some other body's steamships—that have been loaded with cattle across the Atlantic for years past will not have cargoes to foreign countries after a while.

If we had let this matter alone and allowed the State of Kansas or Missouri or wherever else this disease may exist to deal with it as the people of Alabama deal with the cotton-worm and as the other visitations upon the crops of the country are dealt with by the States, we should have served our country very much better than to bring in a resolution for \$25,000 to stamp out a disease which is said to be national in its importance. If this disease ought to be stamped out by Congress, this bill ought not to stop at \$25,000. That is paltering with the subject. It ought to be a million dollars perhaps; it ought to be a sum large enough so that the whole resources of this Government as far as may be needed can be concentrated on the purpose of stamping out this disease and so that the nations of the earth will understand that that is exactly what we are doing.

The people of Alabama have no particular interest in whether the mouth-and-foot disease is in Kansas or not so far as the consumption of beef is concerned, for we get little or perhaps no supply of beef from that quarter; and so there are very few people outside of the large Northern and Northeastern cities that have any concern in this matter. The real concern about the existence of this disease after all, so far as it affects the particular market, is beyond the water.

Now, sir, if we allow these questions to go to the departments where they properly belong, the governments of the different States, and allow them to deal with these questions without continually hauling them up in Congress for the purpose of making the world understand how many calamitous visitations there are upon our cattle, we shall serve our country to a very much better purpose than we can possibly do by passing resolutions of this kind or assuming doubtful jurisdiction over questions of this kind.

I will not, Mr. President, stop now to debate the constitutional questions which have been involved in this controversy any further than I have; merely stated my personal opinion.

The PRESIDENT *pro tempore*. The question is on the first amendment proposed by the Senator from Texas [Mr. COKE], on which the yeas and nays have been ordered.

Mr. McMILLAN. Let the amendment be reported.

The CHIEF CLERK. It is proposed to insert the words "with the consent of" after the word "agriculture," in line 5.

The Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired on all matters connected with this question with the Senator from Maine [Mr. HALE], who is necessarily absent.

Mr. DAWES (when his name was called). On this vote I am paired with the Senator from Delaware [Mr. SAULSBURY]. If present, he would vote "yea" and I should vote "nay."

Mr. HAMPTON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. MANDERSON (when his name was called). On this resolution I was paired with the Senator from South Carolina [Mr. BUTLER]. If present, I understand that he would vote "yea" on this amendment. I transfer my pair, however, to the Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

Mr. VAN WYCK (when his name was called). I am paired for the day with the Senator from Mississippi [Mr. LAMAR]. He is opposed to the resolution and I am in favor of it.

The roll-call was concluded.

Mr. CAMERON, of Wisconsin (after having voted in the affirmative). I agreed to pair with the Senator from Tennessee [Mr. JACKSON]. I withdraw my vote.

Mr. MORGAN. My pair with the Senator from New York [Mr. LAPHAM] is transferred to the Senator from Louisiana [Mr. JONAS], who is absent. I vote "yea."

Mr. CAMDEN. I desire to announce that my colleague [Mr. KENNA], who is absent, is paired on all political questions with the Senator from Pennsylvania [Mr. MITCHELL].

The result was announced—yeas 18, nays 24; as follows:

YEAS—18.			
Brown, Call, Camden, Cockrell, Coke,	Colquitt, Farley, George, Gorman, Harris,	Hawley, Ingalls, Maxey, Morgan, Plumb,	Ransom, Vest, Williams.
NAYS—24.			
Allison, Bayard, Blair, Conger, Cullom, Edmunds,	Garland, Hill, Hoar, Logan, McMillan, Manderson,	Miller of N. Y., Miller of Cal., Mitchell, Morrill, Pendleton, Pike,	Platt, Pugh, Sawyer, Sherman, Voorhees, Wilson.
ABSENT—34.			
Aldrich, Anthony, Beck, Bowen, Butler, Cameron of Pa., Cameron of Wis., Dawes, Dolph,	Fair, Frye, Gibson, Groome, Hale, Hampton, Harrison, Jackson, Jonas,	Jones of Florida, Jones of Nevada, Kenna, Lamar, Lapham, McPherson, Mahone, Palmer, Riddleberger,	Sabin, Saulsbury, Sewell, Slater, Vance, Van Wyck, Walker.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the second amendment proposed by the Senator from Texas [Mr. COKE], on which the yeas and nays have been ordered. The amendment will be read.

The CHIEF CLERK. In lines 6 and 7, after the word "authorities," it is proposed to strike out "of the State of Kansas" and insert in lieu thereof the words "of the States in which it may be used."

Mr. ALLISON. I do not understand that the yeas and nays have been ordered on this amendment.

The PRESIDENT *pro tempore*. The yeas and nays, as the Chair understands, were ordered on the whole amendment, which was treated as one at that time, of the Senator from Texas; but the matter being divided, the Chair supposes the order for the yeas and nays applied to both parts.

Mr. ALLISON. Then I ask unanimous consent that the order directing the yeas and nays to be taken on this amendment be rescinded.

The PRESIDENT *pro tempore*. Is there objection to the suggestion? The Chair hears none, and the order for the yeas and nays is rescinded. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the motion of the Senator from Ohio [Mr. SHERMAN] to strike out the words which will be read.

The CHIEF CLERK. The words proposed to be stricken out are:

And in co-operation with the proper authorities of the States in which it may be used in eradicating a contagious disease popularly known as the foot-and-mouth disease, now prevailing to an alarming extent among the cattle of that State; the expenditure of the above sum, or any part thereof, to be limited to the emergency now existing.

Mr. PLUMB. I think the object of the Senator from Ohio is accomplished by the adoption of the latter portion of the amendment of the Senator from Texas.

Mr. SHERMAN. And striking out in lines 8 and 9 the words:

Now prevailing to an alarming extent among the cattle of that State.

The PRESIDENT *pro tempore*. The Secretary will report the part proposed to be stricken out on the motion of the Senator from Ohio.

The CHIEF CLERK. In lines 6 and 7 it is proposed to strike out "and in co-operation with the proper authorities of the State of Kansas."

The amendment was rejected.

Mr. VEST. Mr. President—

Mr. SHERMAN. The words following ought to be stricken out by common consent:

Now prevailing to an alarming extent among the cattle of that State.

The PRESIDENT *pro tempore*. The Senator from Missouri has the floor. Does the Senator from Missouri yield to the suggestion of the Senator from Ohio?

Mr. VEST. Yes, sir.

The PRESIDENT *pro tempore*. Then the question is on the amendment of the Senator from Ohio to strike out the words—

Now prevailing to an alarming extent among the cattle of that State.

The amendment was agreed to.

Mr. VEST. Now I move to insert, after the word "disease," in the eighth line, the words:

So as to prevent the spreading of said disease to other States or Territories.

Mr. PLUMB. I have no objection to that.

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

Mr. MORRILL. If the Senator from Missouri will withdraw the words "to other States or Territories" I think he will accomplish all his purpose.

Mr. VEST. I have no particular choice about the language. I do not believe Congress has the right to legislate as to a disease inside of a State except to prevent its spreading to other States or Territories. That is the whole of it. If that is the purpose of the resolution, as the mover says it is, I can see no objection to putting in this language, so as to put that construction beyond a doubt.

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

The amendment was agreed to.

Mr. INGALLS. Now, Mr. President, as we have got through with the various amendments, it would be interesting to know precisely how the resolution reads at this time. I ask that it may be reported in full as it has been amended.

The PRESIDENT *pro tempore*. The resolution will be read as amended if there be no objection.

The Chief Clerk read as follows:

*Resolved, etc.*, That the sum of \$25,000, or so much thereof as is necessary, be, and hereby is, appropriated, to be used under the direction of the Commissioner of Agriculture and in co-operation with the proper authorities in the States in which it may be used, in eradicating a contagious disease popularly known as the foot-and-mouth disease, so as to prevent the spreading of said disease to other States or Territories; the expenditure of the above sum, or any part thereof, to be limited to the emergency now existing; and a full report of such expenditure and the result thereof to be made to Congress by the Commissioner of Agriculture at the earliest practicable date.

Mr. PLUMB. I move to strike out "twenty-five" and insert "fifty;" so as to make the appropriation \$50,000.

Mr. CULLOM. I hope that will be done.

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

The amendment was agreed to.

Mr. BAYARD. I sent to the desk an amendment some time since that I should like to have now considered.

The PRESIDENT *pro tempore*. The Senator from Delaware proposes an amendment which will be read.

The CHIEF CLERK. In lines 6 and 7 it is proposed to strike out:

In co-operation with the proper authorities of the States in which it may be used, in eradicating.

And insert in lieu thereof:

To obtain and disseminate information in relation to the treatment, cure, and prevention of.

Mr. PLUMB. That would destroy the measure.

Mr. BAYARD. I will state that I am perfectly willing that this amount shall be given for the purpose of gaining all the information that may be necessary (probably a great deal of which may be difficult to obtain by State means) to instruct the people of this country in the proper manner of arresting the disease and preventing its inoculation; but I am not willing, under this process of eradication, to commit the Treasury of the United States, as it will be committed by this resolution, not to the \$50,000 appropriated; that will be but a drop in the bucket; it will be a mere flea-bite compared with the damages that must be paid out of the Treasury, should this amount of \$50,000 or \$25,000 or any other sum be appropriated as the entering-wedge to the responsibility of the Treasury of the United States for the destruction of cattle under the system of eradication which is proposed by this measure.

That is all I propose to say by way of explanation. I ask for the yeas and nays on my amendment.

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

Mr. MANDERSON (when Mr. ALDRICH's name was called). I announce the pair of the Senator from Rhode Island [Mr. ALDRICH] with the Senator from South Carolina [Mr. BUTLER]. I understand the Senator from Rhode Island would vote "nay."

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. MITCHELL (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. MORGAN (when his name was called). I announce the pair

between the Senator from New York [Mr. LAPHAM] and the Senator from Louisiana [Mr. JONAS]. I vote "yea."

The roll-call was concluded.

Mr. MITCHELL. My pair with the Senator from West Virginia [Mr. KENNA] has been transferred to the Senator from Indiana [Mr. HARRISON]. I vote "nay."

The result was announced—yeas 14, nays 28; as follows:

YEAS—14.

Bayard, Brown, Camden, Coke.	Colquitt, Farley, Gorman, Harris,	Jackson, Maxey, Morgan, Pendleton,	Pugh, Vest.
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NAYS—28.

Allison, Blair, Call, Cameron of Wis., Cockrell, Conger, Cullom,	Edmunds, Garland, George, Hawley, Hill, Ingalls, Logan,	McMillan, Manderson, Miller of Cal., Miller of N. Y., Mitchell, Morrill, Pike,	Platt, Plumb, Sabin, Sawyer, Voorhees, Williams, Wilson.
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ABSENT—34.

Aldrich, Anthony, Beck, Bowen, Butler, Cameron of Pa., Dawes, Dolph, Fair,	Frye, Gibson, Groome, Hale, Hampton, Harrison, Hoar, Jonas, Jones of Florida,	Jones of Nevada, Kenna, Lamar, Lapham, McPherson, Mahone, Palmer, Ransom, Riddleberger,	Saulsbury, Sewell, Sherman, Slater, Vance, Van Wyck, Walker.
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So the amendment was rejected.

Mr. PLUMB. I offer the following amendment, to come in at the close of the resolution:

*Provided*, That no action of the Commissioner of Agriculture hereunder shall commit the Government beyond the amount herein appropriated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

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

Mr. BAYARD. I ask for the yeas and nays on the passage of the resolution.

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

Mr. HAMPTON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY]. I should vote "nay" were he present.

Mr. CAMERON, of Wisconsin (when Mr. HARRISON's name was called). The Senator from Indiana [Mr. HARRISON] has been called home by pressing professional business. During his absence he is paired with the Senator from West Virginia [Mr. KENNA]. He requested me to announce the pair.

Mr. MANDERSON (when his name was called). I was paired with the Senator from South Carolina [Mr. BUTLER], but the pair has been transferred to the Senator from Rhode Island [Mr. ALDRICH]. I vote "yea."

Mr. MORGAN (when his name was called). I announce the pair between the the Senator from New York [Mr. LAPHAM] and the Senator from Louisiana [Mr. JONAS]. I vote "nay."

The roll-call was concluded.

Mr. CAMDEN. I wish to state that my colleague [Mr. KENNA] is paired with the Senator from Indiana [Mr. HARRISON].

The result was announced—yeas 29, nays 14; as follows:

YEAS—29.

Allison, Blair, Call, Cameron of Wis., Cockrell, Conger, Cullom, Edmunds,	Garland, George, Hawley, Hill, Hoar, Ingalls, Logan, McMillan,	Manderson, Miller of Cal., Miller of N. Y., Mitchell, Morrill, Pike, Plumb, Sabin,	Sawyer, Vest, Voorhees, Williams, Wilson.
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NAYS—14.

Bayard, Brown, Camden, Coke,	Colquitt, Farley, Gorman, Harris,	Jackson, Maxey, Morgan, Pendleton,	Pugh, Ransom.
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ABSENT—33.

Aldrich, Anthony, Beck, Bowen, Butler, Cameron of Pa., Dawes, Dolph, Fair,	Frye, Gibson, Groome, Hale, Hampton, Harrison, Jonas, Jones of Florida, Jones of Nevada,	Kenna, Lamar, Lapham, McPherson, Mahone, Palmer, Platt, Riddleberger, Saulsbury,	Sewell, Sherman, Slater, Vance, Van Wyck, Walker.
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So the joint resolution was passed.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I ask that the regular order be laid before the Senate. The PRESIDENT *pro tempore*. The Senator from New Hampshire calls for the regular order, which is the first special order, being the bill

(S. 398) to aid in the establishment and temporary support of common schools.

Mr. CONGER. I move that the Senate adjourn.

NAMING OF A PRESIDING OFFICER.

The PRESIDENT *pro tempore*. Before putting the question the Chair again asks unanimous consent of the Senate, if the Chair shall be obliged to leave town to-morrow, that the Senator from Ohio [Mr. SHERMAN] may preside for the next three days. Is there objection? The Chair hears no objection, and it is so ordered. It is moved that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 51 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 17, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

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

ANNA ROSELLA BRUMIDI.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a dispatch from the consul-general of the United States at Rome in relation to the rights of Anna Rossella Brumidi, widow of Constantine Brumidi, fresco painter of the Capitol building, with inclosure accompanying the same; which was referred to the Committee on Claims.

CALIFORNIA AND OREGON RAILROAD.

Mr. BELFORD. I ask consent to submit my individual views as one of the minority of the Committee on Public Lands upon the bill reported last Saturday from that committee to declare forfeited certain land grants to aid in the construction of a railroad from the Central Pacific Railroad in California to Portland, in Oregon, and that it be printed with the report of the majority.

There was no objection; and the views were received and ordered to be printed with the report of the majority.

JEANNETTE ARCTIC EXPEDITION.

Mr. BUCHANAN. By instruction of the Committee on Naval Affairs I ask consent to submit for present consideration the resolution which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the Clerk of the House of Representatives be directed to pay out of the appropriation for contingent expenses of the House all the expenses incurred by the Committee on Naval Affairs under the resolution to investigate the conduct of the Jeannette Arctic expedition upon vouchers approved by the chairman of said committee: *Provided*, That all such expenditures under this resolution shall not exceed the sum of \$5,000.

Mr. HOLMAN. I hope there will be some explanation as to whether it is believed any further investigation is required.

The SPEAKER. The Chair will permit the explanation to be made subject to the right to object to consider the resolution at the present time.

Mr. BUCHANAN. On the motion of the gentleman from Minnesota [Mr. WASHBURN] the House adopted a resolution directing the Committee on Naval Affairs to investigate the conduct and management of the Jeannette Arctic expedition, and that resolution was sent to the Committee on Naval Affairs. Nothing can be done in that investigation until an appropriation has been made to pay the expenses; not one single solitary step can be taken until this resolution or some other is adopted providing for paying the expenses of the investigation. That is the object of the resolution, and it limits the expenditures to \$5,000.

Mr. CHACE. Is there any possibility that the expenditures can approach the sum of \$5,000?

Mr. BUCHANAN. I do not know what the investigation will cost. The witnesses are scattered, and the expense of bringing them here will be great.

Mr. CHACE. There can not be many witnesses in the case.

Mr. BUCHANAN. We have notice already of fourteen or fifteen.

Mr. BROWNE, of Indiana. What is the necessity for making this investigation?

Mr. BUCHANAN. It is not for me to say anything as to the propriety of making the investigation; the House has already ordered it.

Mr. WASHBURN. I desire to say that I introduced the resolution referred to, and it was based upon a memorial of a very reliable and intelligent citizen of my own district. In that memorial he makes very grave charges, and states that the investigation which was undertaken by the Navy Department a year and a half or two years ago was a sham.

I think it but justice to the living and to the dead that this investigation should be made, and made thoroughly, and made at once. We are now about sending out another expedition to the Arctic regions, and I think it is well for the country to know how such expeditions have been managed in the past. I hope the resolution will be adopted and the necessary funds supplied to meet the expenses of the investigation.

Mr. HOLMAN. I would like to inquire of the gentleman from Min-

nesota [Mr. WASHBURN] whether he himself has investigated the subject sufficiently to be satisfied that the investigation made by the commission appointed by the Navy Department was not thorough and able?

Mr. WASHBURN. I have.

Mr. HOLMAN. You think it was not.

Mr. WASHBURN. I think it was not; I think it was a whitewash affair.

The SPEAKER. Is there objection to the present consideration of the resolution which has been read?

Mr. MILLER, of Pennsylvania. I object.

The SPEAKER. Objection is made, and the resolution is not before the House.

Some time subsequently,

Mr. BUCHANAN said: I ask that the resolution which I submitted in reference to expenses of the investigation of the Jeannette Arctic expedition may be referred to the Committee on Accounts.

The SPEAKER. Is there objection?

Mr. MILLER, of Pennsylvania. At the request of the gentleman from Minnesota [Mr. WASHBURN] I withdraw my objection to the resolution.

The SPEAKER. Is there further objection to the present consideration of the resolution? [After a pause.] The Chair hears none, and the resolution is before the House.

The resolution was adopted.

Mr. BUCHANAN 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.

ALASKA COMMERCIAL COMPANY.

Mr. HENLEY, by unanimous consent, submitted the following; which was referred to the Committee on Ways and Means:

Whereas on the 3d day of August, A. D. 1870, the Acting Secretary of the Treasury of the United States, under an act of Congress approved July 1, 1870, made and entered into a contract or lease with the Alaska Commercial Company, acting through its president and agent, General John F. Miller, whereby for a term of twenty years from the date thereof the Government of the United States leased to said company, for an annual rental of \$50,000, the exclusive right to engage in the business of taking fur seals from the islands adjacent to the Territory of Alaska and pertaining thereto, limiting in said lease the number of skins to be taken to 100,000 annually, for which said company was to pay to the Government of the United States the sum of \$2 per skin; and

Whereas from the contents of Executive Document No. 83, first session of the Forty-fourth Congress, and from a petition presented to the House of Representatives on the — day of March, A. D. 1884, and from the market reports of the prices of sealskins in London, the following facts seem to exist:

First. That said lease and contract in its operations constitutes a monopoly of the most odious character, and is therefore inconsistent with the spirit of American institutions and inimical to the interests of the United States Government.

Second. That the said Acting Secretary of the Treasury, in making said lease with said company, was guilty of favoritism and misconduct in that only twelve days' notice was given to those desiring to bid for said lease, the same being palpably insufficient to afford parties time and opportunity to make preparation to put in the bids required. That the terms upon which said bids were received were embraced in the memorandum of which the following is a copy:

"OFFICE OF THE SECRETARY, July 20, 1870.

"Memorandum in reference to bids for the exclusive right to take fur seals upon the islands Saint Paul and Saint George, read before the persons present at the opening of the bids at 12 o'clock noon, July 20, 1870:

"1. The successful bidder will be required to deposit security, within three days, to the amount of \$50,000 in legal money or bonds of the United States, for the due execution of contracts agreeably to an act to prevent the extermination of fur-bearing animals in Alaska, approved July 1, 1870.

"2. It being apparent from the language employed in the act aforesaid that it was the intention of Congress to give a preference to the Alaska Commercial Company in the award of their contracts, I think it proper to state before the bids are opened that the contract will be awarded to said company if their proposals shall be not more than 10 per cent. below that of the highest bidder.

"3. No bid will be accepted unless made by a responsible party acquainted with the business or skilled in kindred pursuits to such an extent as to render it probable that the contract will be so executed as to secure the results contemplated by the lease."

Third. That said company made a bid for said lease of \$65,000 per annum, which was the lowest bid out of fourteen which were made. That notwithstanding the fact that all of the fourteen bids were higher than that of the Alaska Fur Company, said company was awarded the said lease.

Fourth. That the cost of laying down sealskins in London, including the Government royalty, price of killing, salting, shipping, freight to Europe, &c., amounts to about \$5 per skin. That the average value of raw, undressed sealskins is, at public auction, in London, about \$24 per skin, leaving a net profit of about \$20 per skin. These figures represent the profit of this company, providing the company in London put their skins up and sell them at public auction; but if they choose to pay for the dressing, dyeing, and general preparation of the skins and putting them in condition to be immediately fashioned into garments, the net profit per skin must necessarily be not less than \$30. From the foregoing figures it will be seen that if the company has hitherto limited itself to the taking of the hundred thousand sealskins provided for in the lease, or has, in other words, dealt honestly by the Government, its net profits have annually been from \$1,000,750 per year to \$3,500,000 per year.

Fifth. That under the law regulating the supervision of this lease and the manner in which it is executed by said company there are only three agents of the Government in the Territory of Alaska; one on the island of Saint Paul; one on the island of Saint George, and one presumably visiting both islands periodically, whose duties are to count the skins which are taken and shipped by said company, each one of these agents being paid by the Government a small compensation; so that it will be seen that between any disposition on the part of this company to exceed the number of skins permitted to be taken under the lease and the rights of the Government there stands practically but one man, whose integrity is thus assailed by the temptation of millions of dollars.

Sixth. That from the allegations of the petition hereinbefore referred to and from current newspaper rumor it is alleged that said company does take as many skins as it chooses in excess of the number limited in said lease.

Seventh. That if it be consistent with American institutions to continue this