

Also, resolution of Philadelphia Academy of Natural Sciences, urging that scientific books and apparatus be placed on free-list—to the Committee on Ways and Means.

By Mr. FORNEY: Papers relating to the claim of John Edwards, of De Kalb County, Alabama—to the Committee on War Claims.

By Mr. GEORGE: Petition of citizens of Oregon, to ratify certain patents made by Richard Nicolls and Thomas Dargan, governors of the Colony of New York—to the Committee on the Public Lands.

By Mr. HOLMAN: Petition of Hon. Alvin P. Hovey, of Indiana, for the enactment of a law to promote purity and integrity in elections and appointments, accompanied by a bill for that purpose—to the Committee on the Judiciary.

By Mr. B. W. JONES: Resolutions of the New York Board of Trade and Transportation, relative to the bankruptcy bill—to the same committee.

By Mr. LOWRY: Petition of 61 citizens of Fort Wayne, Ind., in reference to the Mormon question—to the same committee.

By Mr. MORSE: Petition of Thomas H. Hill and 3 others, praying for an increase of widows' pensions—to the Committee on Pensions.

By Mr. PRYOR: A bill for the relief of Isaac Stinnett, jr., of Limestone County, Alabama—to the Committee on War Claims.

Also, papers relating to the claim of James Clendinnin, of Jackson County, Alabama—to the same committee.

By Mr. RANDALL: Petition of citizens of Philadelphia, against the ratification of the treaty with Spain or an extension of the treaty with Hawaii, and against the measures to carry into operation the treaty with Mexico—to the Committee on Ways and Means.

Also, two petitions of managers and officers of houses of refuge and reformatories for children, to publish information concerning such institutions—to the Committee on Appropriations.

By Mr. REAGAN: Petition of shippers of live-stock, of Chicago, Ill., praying for the passage of House bill No. 6405, which provides for the inspection of live-stock, hog products, and dressed meats intended for exportation—to the Committee on Commerce.

Also, petition of pork-packers and dealers in and shippers of hog products, praying for the passage of House bill No. 6405, which provides for the inspection of live-stock, hog products, and dressed meats intended for exportation—to the same committee.

By Mr. ROSECRANS: Petition of Judson Knight, praying for a pension for disability incurred in the military service and in the line of his duty—to the Committee on Invalid Pensions.

By Mr. RYAN: Petitions of citizens of Kansas, to open Oklahoma to settlement—to the Committee on the Public Lands.

By Mr. SINGLETON: Papers relating to the claim of Turner Babbitt, of Scott County, Mississippi, for quartermaster stores and property taken from him by the United States Army during the late war—to the Committee on War Claims.

By Mr. STEELE: Petition of R. P. Elinger and others, of Peru, Ind., and of Andrew J. Reynolds and others, of Decatur, Ind., asking legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. STEPHENSON: Petition of C. J. Higgins and 62 others, of Ashland, Wis., praying that the United States acquire title to the Portage Lake and Lake Superior Canals, and make the same free of tolls—to the Committee on Rivers and Harbors.

By Mr. STORM: Petition of Philadelphia Commercial Exchange, asking for the passage of a bankrupt bill—to the Committee on the Judiciary.

Also, petition of the Academy of Natural Sciences, asking that certain books and apparatus be placed on the free-list—to the Committee on Ways and Means.

By Mr. THOMAS: Petition of Thomas C. White, of Cartersville, Ill., for additional pay for soldiers of the late war—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. WARD: Petition of Mrs. Sallie Jackson, of Clinton County, Indiana, for relief—to the Committee on Invalid Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of citizens of White Rock, of Clifton, of Belleville, and of Delphos, Kans.

By Mr. ALEXANDER: Of citizens of Chariton County, of Randolph County, and of Grundy County, Missouri.

By Mr. ATKINSON: Of citizens of Huntingdon County, of Sullivan County, and of Juniata County, Pennsylvania.

By Mr. BOUTELLE: Of citizens of Brewer, Me., and of Medford Centre, Me.

By Mr. BRAINERD: Of citizens of Warren County and of Erie County, Pennsylvania.

By Mr. T. M. BROWNE: Of citizens of Cambridge City, Ind.

By Mr. W. W. BROWN: Of citizens of Tioga County, Pennsylvania.

By Mr. CANNON: Of citizens of Champaign County, Illinois.

By Mr. DINGLEY: Of citizens of Oxford County, Maine.

By Mr. ELLWOOD: Of citizens of Harvard, of Aurora, of Saint Charles, and of Nunda, Ill.

By Mr. GOFF: Of citizens of Gilmer County, of Harrison County, of Tyler County, and of Wetzel County, West Virginia.

By Mr. HANBACK: Of citizens of Ellsworth County, of Norton County, of Phillips County, of Smith County, of Rooks County, of Osborne County, and of Russell County, Kansas.

By W. H. HATCH: Of citizens of Putnam County, of Canton County, of Marion County, of Clarke County, and of Schuyler County, Missouri.

By Mr. D. B. HENDERSON: Of citizens of Cedar Falls, of Independence, and of Waterloo, Iowa.

By Mr. T. J. HENDERSON: Of citizens of Bureau County, of Henry County, and of Lee County.

By Mr. HEPBURN: Of citizens of New York, and of Taylor County, Iowa.

By Mr. HILL: Of citizens of Defiance County and of Van Wert County, Ohio.

By Mr. HOLMES: Of citizens of Hardin County and of Boone County, Iowa.

By Mr. HOUSEMAN: Of citizens of Ottawa County, of Allegan County, of Grand Rapids, of Ionia County, Michigan.

By Mr. B. W. JONES: Of citizens of Fayette County, of Green County, and of Dane County, Wisconsin.

By Mr. KLEINER: Of ex-soldiers of Cannelton, Ind.

By Mr. LAWRENCE: Of citizens of Ohioville, of New Castle, and of Rochester, Pa.

By Mr. LACEY: Of citizens of Sunfield, Mich.

By Mr. LE FEVRE: Of citizens of Saint Mary's, of Wapakoneta, of Sidney, and of Moulton, Ohio.

By Mr. LOWERY: Of citizens of Steuben County, of Allen County, and of Whitley County, Indiana.

By Mr. MATSON: Of citizens of Hendricks County, of Monroe County, and of Morgan County, Indiana.

By Mr. S. H. MILLER: Of citizens of Sandy Lake, and of Crawford County, Pennsylvania.

By Mr. MORRILL: Of citizens of Jackson County, Kansas.

By Mr. MORSE: Of citizens of Natick and of Cambridge, Mass.

By Mr. NELSON: Of citizens of Polk County, of Douglas County, of Becker County, of Stearns County, and of Wadena County, Minnesota.

By Mr. NUTTING: Of citizens of Oswego County, New York.

By Mr. PETERS: Of citizens of Kinkfield, Edwards County, Kansas.

By Mr. PRICE: Of citizens of Barrow County, of Eau Claire, of Trempealeau County, Wisconsin.

By Mr. PUSEY: Of citizens of Cass County, of Crawford County, and of Harrison County, Iowa.

By Mr. T. B. REED: Of citizens of Brooklyn, of Penobscot, of Yarmouth, of Skowhegan, of West Sumner, of Greenfield, of Monticello, of Fayette County, of Mapleton, of South Etna, and of North Waterborough, Me.

By Mr. RUSSELL: Of citizens of North Dana and of Athol, Mass.

By Mr. H. Y. SMITH: Of citizens of Kasson, Madison County, of Dallas County, and of Dexter, Dallas County, Iowa.

By Mr. STEELE: Of citizens of Pennville, Ind.

By Mr. STRUBLE: Of citizens of Sioux County, of Dickinson County, and of Calhoun County, Iowa.

By Mr. WOOD: Citizens of Cass County, of Newton County, of Pulaski County, of Fulton County, of White County, and of Hammond, Lake County, Indiana.

By Mr. WOODWARD: Of citizens of Richland County, Wisconsin.

By Mr. YAPLE: Of citizens of White Pigeon, of Bloomingdale, of Sturgis, of Eau Claire, of Howardsville, and of Scott, Mich.

SENATE.

TUESDAY, February 3, 1885.

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

CREDENTIALS.

Mr. MILLER, of New York, presented the credentials of William M. Everts, chosen by the Legislature of New York a Senator from that State for the term commencing March 4, 1885; which were read.

Mr. HOAR. I ask permission to say, having had occasion to examine the subject as chairman of the Committee on Privileges and Elections, that in my judgment a certificate from the executive, the proper certificate officer of a State, saying simply that A B on a certain day was duly elected a Senator of the United States from that State for the term mentioned is a sufficient credential under the usages of the Senate and the laws of the United States.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Massachusetts that this paper contains no certificate from the governor whatever, as required by the act of Congress. The paper will be placed on file, if there be no objection.

Mr. HOAR. Then I move that it be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the paper be referred to the Committee on Privileges and Elections. That order will be entered, if there be no objection.

THIRD INTERNATIONAL RED CROSS CONFERENCE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to be printed and referred to the Committee on Foreign Relations:

To the Senate of the United States:

I transmit herewith to the Senate a communication from the Secretary of State, submitting, at the request of a delegate from the United States to the third international conference of the Red Cross, held in September, 1884, a copy of the preliminary report of that conference.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, February 2, 1885.

NATIONAL BOARD OF HEALTH REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Epidemic Diseases, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, the report of the National Board of Health for the year 1884.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, February 2, 1885.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The PRESIDENT *pro tempore* laid before the Senate a communication from the President of the National Academy of Sciences, transmitting, in compliance with the act of Congress of March 3, 1863, a report of the operations of the National Academy of Sciences during the past year; which was ordered to be printed, and, with the accompanying report, referred to the Committee on Printing.

HOUSE BILLS REFERRED.

The bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 8037) to amend the tenth section of the act to remove certain burdens on the American marine, &c., was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa., was read twice by its title.

The PRESIDENT *pro tempore*. If there be no objection this bill will be referred to the Committee on Appropriations.

Mr. CAMERON, of Pennsylvania. I suggest that the bill should be referred to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. That reference will be made, if there be no objection. As the bill provides for the increase of an appropriation the Chair was of the opinion that it should be referred to the Committee on Appropriations.

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

- A bill (H. R. 653) for the relief of John B. Davis;
- A bill (H. R. 2158) for the benefit of John C. Herndon;
- A bill (H. R. 4382) for the relief of William H. Davis;
- A bill (H. R. 4685) for the relief of Robert Tally, colored;
- A bill (H. R. 4686) for the relief of Fendall Carpenter;
- A bill (H. R. 4687) for the relief of A. Gates Lee;
- A bill (H. R. 4688) for the relief of William Clift; and
- A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased.

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

- A bill (H. R. 252) granting a pension to Peter M. Hagler;
- A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army;
- A bill (H. R. 2540) granting a pension to Priscilla J. Small;
- A bill (H. R. 3052) for the relief of John C. Clark;
- A bill (H. R. 3185) granting a pension to David Peterson;
- A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
- A bill (H. R. 4216) granting a pension to David N. Bryan;
- A bill (H. R. 4766) granting a pension to David Compropst;
- A bill (H. R. 5929) for the relief of Abigail Honey;
- A bill (H. R. 6653) granting a pension to Mary C. Axline;
- A bill (H. R. 6948) granting a pension to George W. Eagles;
- A bill (H. R. 7000) for the relief of Clark G. Maine;
- A bill (H. R. 7256) granting a pension to John Vanderhoff;
- A bill (H. R. 7386) granting a pension to Eliza M. Byers;
- A bill (H. R. 7524) granting a pension to Lavisa Heth;
- A bill (H. R. 7602) to grant a pension to Harriet M. Bailey;

- A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt;
- A bill (H. R. 7722) granting a pension to Almira K. Parker;
- A bill (H. R. 7724) granting a pension to Lydia Wetherbee;
- A bill (H. R. 7769) to grant a pension to Joseph R. Dodds;
- A bill (H. R. 7803) granting a pension to L. W. Pitts;
- A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;
- A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan;
- A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;
- A bill (H. R. 7869) granting a pension to Emeline L. Fitch;
- A bill (H. R. 8033) granting an increase of pension to George W. Clark;

- A bill (H. R. 8038) granting a pension to Harriet A. B. Cortis;
- A bill (H. R. 8104) granting an increase of pension to George S. Hawley;

- A bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen; and

- A bill (H. R. 8133) granting a pension to Thomas McGill.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of E. W. Oyster, president, and J. F. Billingsley, secretary, on behalf of the labor unions of the District of Columbia, remonstrating against the passage of the bill (S. 2507) to amend the law concerning mechanics' liens in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of A. W. Parker and H. R. Morgan, of Pleasant Valley, Wis., urging such legislation as shall prohibit railroads between States from charging more for a short than for a long distance; which was ordered to lie on the table.

Mr. PALMER presented the petition of Hon. John Owen, A. Y. Lindsay, E. C. Walker, and 48 other citizens of Detroit, Mich.; the petition of Moffat Tazline, Capt. Darius Cole, M. S. Smith & Co., Friend Palmer, and 50 other citizens of Detroit, Mich.; the petition of Merrick Esselslyne & Co., Capt. S. B. Greenwood, George W. Brady, Willard Parker, and 48 other citizens of Detroit, Mich.; and the petition of David Carter, E. L. Small, Alfred Russell, and 50 others, of Detroit, Mich., praying that the Government provide for the purchase of the two canals crossing Point Keweenaw, Lake Superior, Michigan, as recommended by the Secretary of War; which were referred to the Committee on Commerce.

Mr. MITCHELL. I present a concurrent resolution of the Legislature of Pennsylvania favoring the repeal of the act of Congress of July 22, 1876, by which the legal-tender quality of the trade-dollar was abrogated. I also present a concurrent resolution of the Legislature of Pennsylvania favoring the passage of the measure known as the foreign-contract-labor bill. I believe the trade-dollar bill has been reported since I was last present in the Senate, and the other bill also, I think, is before the Senate. I therefore move that the resolutions lie on the table.

The motion was agreed to.

Mr. MITCHELL presented the petition of 325 officials and business men of Allegheny, Pa., the petition of 125 citizens of Parker's Landing, Pa., and the petition of 624 workmen and owners of works at Pittsburgh, Pa., praying for an appropriation for the improvement of the Allegheny River; which were referred to the Committee on Commerce.

He also presented two memorials of the Philadelphia (Pa.) Board of Trade, a memorial of the Pittsburgh (Pa.) Board of Trade, and a memorial of 52 citizens of Lancaster County, Pennsylvania, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Lumberman's Exchange of Williamsport, Pa., praying for an appropriation for the improvement of the West Branch of the Susquehanna River; which was referred to the Committee on Commerce.

Mr. PLUMB presented a resolution of the Legislature of the State of Kansas, remonstrating against the creation of the so-called cattle trail across the State of Kansas; which was referred to the Committee on Commerce.

Mr. BECK presented the petition of George H. McKinney, of Lincoln County, Kentucky, praying for an increase of facilities in the Patent Office so as to expedite the issuance of patents; which was referred to the Committee on Patents.

Mr. HAWLEY presented the petition of the Scoville Manufacturing Company and 12 other corporations and citizens of Connecticut, in favor of free canals between Portage Lake, in Michigan, and Lake Superior; which was referred to the Committee on Commerce.

Mr. CONGER presented the petition of H. W. Bradley, Dwight N. Lowell, and 16 other citizens of Romeo, Mich., praying for the passage of a bill providing that the overflowed shoal-water lands in Lake Saint Clair, known as the Saint Clair Flats, be set aside and kept for a public resort; which was referred to the Committee on Public Lands.

Mr. RIDDLEBERGER. I present the petition of Nicholas White, of Washington, D. C., praying reimbursement for certain property taken by the United States forces during the late war. I move that the petition be referred to the Committee on Claims, where a bill is now pending for the relief of the claimant.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2447) to remove the charge of desertion existing against Daniel Morris, late of Company F, Fortieth Regiment of New York State Volunteers, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2365) for the relief of First Lieut. Augustus R. Egbert, Second Regiment United States Infantry, to report it adversely and to ask its indefinite postponement. I will state as the reason for the adverse report that a general bill is now before the Senate covering this and all similar cases.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed.

Mr. DAWES, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. 2609) to provide permanent reservations for the Indians in Northern Montana, and for other purposes; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2544) to authorize the Secretary of the Interior to extend the time of payment of installments to be paid by actual settlers of Omaha and Otoe Indian lands, in the States of Nebraska and Kansas, reported it with an amendment.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of C. W. Minnix, praying that his name be placed on the pension-roll, reported adversely thereon; and the prayer of the petition was denied.

He also, from the same committee, to whom was referred the bill (S. 2158) granting an increase of pension to Jesse S. Harrold, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were indefinitely postponed:

- A bill (S. 2068) to increase the pension of William Baldwin;
- A bill (S. 2010) granting a pension to John S. Williams; and
- A bill (S. 2138) granting a pension to Nancy S. Daniels.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 2377) granting a pension to James Stockton, to submit an adverse report thereon.

Mr. COCKRELL. Let the bill be placed upon the Calendar until I can see the report.

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

Mr. HARRISON. I am directed by the Committee on Military Affairs to report adversely and to ask the indefinite postponement of the bill (S. 2305) for the relief of Frederick Schwatka. The Senator from Oregon [Mr. DOLPH] introduced the bill; I do not know whether he desires to have it placed upon the Calendar.

Mr. DOLPH. Let the bill be placed upon the Calendar.

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

Mr. CULLOM. I am directed by the Committee on Pensions, to whom were referred the bill (S. 1899) granting an increase of pension to James M. Blades, and the bill (S. 2056) granting an increase of pension to James M. Blades, to report them adversely.

I desire to state that the claimant can get whatever relief he is justly entitled to from the Commissioner of Pensions. I move that the bills be postponed indefinitely.

The motion was agreed to.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1365) granting an increase of pension to Eugene O. Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; and

A bill (S. 2514) granting a pension to David T. Hoover.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

- A bill (H. R. 5565) granting a pension to Theo. Ahrens; and
- A bill (H. R. 2692) granting a pension to Sarah Kennedy.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 5543) granting a pension to David M. Nagle, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1805) granting an increase of pension to Miles Barber, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. INGALLS, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations.

Mr. BLAIR. By direction of the Committee on Pensions I report adversely on the petition of Hugh Bodell, late private Company B, One hundred and ninety-eighth Regiment Pennsylvania Volunteers, praying to be restored to the pension-roll. The committee report recom-

mending that the Pension Office afford him the benefit of another examination in reference to his restoration, and ask to be discharged from the further consideration of the petition, and that the report be printed in order that the attention of the Pension Office may be called to it.

The report was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2009) granting a pension to Isabella Turner, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Pensions, to whom was referred the petition of Patrick Furlong, of Hinesburg, Vt., praying for a pension, submitted a report thereon, accompanied by a bill (S. 2610) granting a pension to Patrick Furlong; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. 6726) granting a pension to Margaret A. Maguire, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

- A bill (H. R. 6803) granting a pension to John T. Brake; and
- A bill (H. R. 6692) granting a pension to David Whittington.

Mr. WILSON. I also report from the Committee on Pensions the bill (H. R. 2485) for the relief of Treadwell Seaman, jr., adversely, on the ground that the case is still pending in the Pension Office. I move that the bill be postponed indefinitely.

The motion was agreed to.

WOONSOCKET NATIONAL BANK.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (S. 2600) for the relief of the Woonsocket National Bank, of Woonsocket, R. I., to report it favorably and without amendment.

Mr. CHACE. I ask unanimous consent that the bill may be put on its passage.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read, if there be no objection.

The Chief Clerk read the bill, as follows:

Whereas D. W. Gooch, United States pension agent at Boston, Mass., on the 13th day of October, 1884, issued check numbered 301408, on the assistant treasurer of the United States at Boston, Mass., payable to the order of Burton Goddard, for the sum of \$1,247.60, which said check, it is claimed, was indorsed by said Goddard to the Woonsocket National Bank, Woonsocket, R. I., and by said bank to the Maverick National Bank, of Boston, Mass., and stolen from the safe of the Adams Express Company, Woonsocket, R. I., to whom it had been delivered for transmission to Boston on the 21st day of October, 1884, and has never been received by said Maverick National Bank, nor paid by the assistant treasurer of the United States at Boston, Mass.: Therefore,

Be it enacted, &c., That D. W. Gooch, United States pension agent at Boston, Mass., be, and he is hereby, instructed to issue a duplicate of the above-described check, No. 301408, for \$1,247.60, in favor of Burton Goddard, and the Secretary of the Treasury is hereby instructed to make said duplicate check payable to said Woonsocket National Bank: *Provided*, That said Woonsocket National Bank shall first execute a bond with good and sufficient sureties, to be approved by the Secretary of the Treasury, to hold the United States harmless against the double payment of said check.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. MORGAN (by request) introduced a bill (S. 2611) to revive and amend the act of Congress of August 15, 1876, to encourage and promote telegraphic communication between America and Asia; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a joint resolution (S. R. 115) providing for the supply of public documents to certain nations in the Indian Territory; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 116) relating to the loan of tents to the association at Mobile, Ala., in control of the interstate drill; which was read twice by its title.

Mr. MORGAN. In connection with this joint resolution I ask leave to present as accompanying papers a memorial of the Legislature of Alabama and other papers relating to the subject, which I move be referred with the joint resolution to the Committee on Military Affairs.

The motion was agreed to.

Mr. PALMER (by request) introduced a joint resolution (S. R. 117) referring the title of Mary A. Washington to property referred to in 94 United States Reports, page 716, to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

ERNEST H. WARDWELL.

Mr. HAMPTON. I ask, by direction of the Committee on Military Affairs, that the bill (S. 521) for the relief of Ernest H. Wardwell, be recommitted to that committee. It was reported some time ago and indefinitely postponed.

The PRESIDENT *pro tempore*. The Chair finds on reference to the

minutes that the bill was indefinitely postponed in April, 1884, at a previous session of the Senate, and the bill is on the files of the Senate but is not present at the Secretary's desk. The Senator from South Carolina asks unanimous consent that the vote of the Senate taken in April, 1884, indefinitely postponing the bill, be reconsidered, and that it be recommitted to the Committee on Military Affairs. Is there objection? The Chair hears none, and it is so ordered.

JOSHUA SHEPARD.

Mr. COCKRELL. I ask that the bill (H. R. 3691) for the relief of Joshua Shepard, which was reported adversely by the Senator from Iowa [Mr. WILSON], be recommitted to the Committee on Pensions, with the adverse report, on the ground that additional evidence has been filed with the committee, and I think that the evidence—so I am advised—will have weight in determining the decision of the committee to reverse the report that has been made.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the bill be taken from the Calendar and recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and the order will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 646) for the relief of R. G. P. White, Peter Hanger, and L. T. Green.

The message also announced that the House had passed a joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina; in which it requested the concurrence of the Senate.

ADDITIONAL SENATE EMPLOYEES.

Mr. JONES, of Nevada. I move that the Senate proceed to the consideration of the resolution on the Calendar authorizing the increase of the force in the office of the Sergeant-at-Arms.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate, and will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and directed to employ three messengers at \$1,440 each; two skilled laborers at \$1,000 each; two laborers at \$720 each; two firemen at \$1,080 each; two janitors at \$900 each. And the Secretary of the Senate is hereby authorized and directed to pay the above employes out of the miscellaneous items of the contingent fund of the Senate.

Mr. JONES, of Nevada. A resolution was passed at the last session directing the Sergeant-at-Arms of the Senate and the Architect of the Capitol to select convenient rooms for the committees which had no rooms in this building, and also instructing them to rent such building, when they should find one appropriate, with the consent of the Committee to Audit and Control the Contingent Expenses of the Senate. They found a building, and with the consent of that committee rented it. The officers provided for in the resolution are for the purpose of serving the five committees who now have rooms there, and to keep the building in order and to give such force as shall enable the committees conveniently to perform their duties.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others; in which it requested the concurrence of the Senate.

COMMITTEE SERVICE.

Mr. ALLISON. I move that the Chair fill the vacancies occurring upon committees by the absence of the late Senator Sheffield.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to offer at this time an order. Is there objection? The Chair hears none.

Mr. ALLISON. I merely ask that the Chair be authorized to fill the vacancies on certain committees.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to move at this time that the Chair be authorized to fill the vacancies on committees occasioned by the retirement of Senator Sheffield, late a Senator from the State of Rhode Island. Is there objection? The Chair hears none. Is there objection to the motion proposed by the Senator from Iowa? The Chair hears none, and it is so ordered.

AMENDMENT TO A BILL.

Mr. JONAS submitted an amendment intended to be proposed by him to the bill (H. R. 100) relative to the Chinese indemnity fund; which was referred to the Committee on Foreign Relations, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. CULLOM. I desire to make a motion now to proceed to the con-

sideration of the unfinished business. As the Senate is aware, I gave notice yesterday that I should ask the friends of the interstate-commerce bill to remain here to-day until its completion. I move that the Senate proceed to the consideration of the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the amendment offered by the Senator from Kentucky [Mr. BECK].

Mr. PLUMB. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Let the amendment and the amendment to the amendment be read once more.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kentucky and the amendment offered to it by the Senator from Kansas will be again read.

The CHIEF CLERK. The amendment of Mr. PLUMB is to add to the proposed amendment the words: "Under similar conditions and circumstances;" so as to make the amendment read:

Any distance less than the whole length of the line than is charged for similar service over the whole length of the line, under similar conditions and circumstances.

The PRESIDENT *pro tempore*. The question is on agreeing to these last words proposed by the Senator from Kansas, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

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

Mr. JONAS (when his name was called). I am paired on the pending amendment with the Senator from Indiana [Mr. HARRISON].

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. I am paired with the Senator from California [Mr. FARLEY].

Mr. RIDDLEBERGER. I am paired with the Senator from Arkansas [Mr. WALKER] on the bill which came from the other House and on the bill which was reported from the Senate committee. I do not know how he would vote on any of these amendments, and I announce once for the day that if I were not paired I should vote for the Senate bill as it came from the Committee on Railroads without change or amendment. Being paired on the bills, I withhold my vote on the pending amendment.

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

The result was announced—yeas 26, nays 20; as follows:

YEAS—26.

Allison,	Frye,	Mitchell,	Pugh,
Bayard,	Hawley,	Morgan,	Sabin,
Blair,	Hoar,	Morrill,	Sawyer,
Cameron of Wis.,	Ingalls,	Palmer,	Sewell,
Chace,	Jones of Nevada,	Pike,	Sherman.
Dawes,	Lapham,	Platt,	
Dolph,	Manderson,	Plumb,	

NAYS—20.

Aldrich,	Conger,	Jackson,	Slater,
Beck,	Cullom,	Kenna,	Vance,
Call,	Edmunds,	McPherson,	Van Wyck,
Cockrell,	Fair,	Maxey,	Vest,
Coke,	Hampton,	Saulsbury,	Wilson.

ABSENT—30.

Bowen,	George,	Jonas,	Pendleton,
Brown,	Gibson,	Jones of Florida,	Ransom,
Butler,	Gorman,	Lamar,	Riddleberger,
Camden,	Groome,	Logan,	Voorhees,
Cameron of Pa.,	Hale,	McMillan,	Walker,
Colquitt,	Harris,	Mahone,	Williams.
Farley,	Harrison,	Miller of Cal.,	
Garland,	Hill,	Miller of N. Y.,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question recurs on the amendment offered by the Senator from Kentucky [Mr. BECK] as amended, and upon that the yeas and nays have been ordered.

Mr. VANCE. Mr. President, before the final vote is taken upon this amendment of the Senator from Kentucky I desire to submit a few remarks to the Senate.

The struggles of a great abuse to prevent its abolition and reform is one of the most instructive views which a political student can take of our history. It shows better than anything else the strength which power and wealth can exert in resisting simple truth and justice.

Now, sir, I believe without exception everybody admits that great wrongs and abuses have crept into the management of transportation lines in this country; and a few Senators in this body with common-sense instincts believe that it is our duty to try to eradicate those abuses. Others say that it can not be done and therefore it is best not to try; while others again profess to try but with such weak measures that it almost becomes a caricature of legislation.

Mr. President, let us examine for a moment the reasons given by

those who obstruct reform in railroad management. In the first place, they say that we are too ignorant on the subject; that the United States Senate does not comprise the ability or the experience or the knowledge sufficient to legislate on this subject. This is said, I believe almost without exception, by all who speak in deprecation of these attempts at reform. The Senator from Alabama [Mr. PUGH], a day or two ago, avowing his own, alleged the universal ignorance of the Senate on this subject; and he invited us to look for light to one Albert Fink, and to listen to what he said as pointing out the true path of reform—the aforesaid Mr. Albert Fink being one of the chief individuals whose doings it is proposed to reform.

Now, sir, of the intricate details of transportation, and of the complicated rivalries, the conflicting interests of the various lines, I profess myself to have very little knowledge; much less have I any knowledge of the various tricks of the trade, and it is to be hoped at least that all other Senators are in like blissful ignorance. But of the common principles of justice and of right and wrong I do profess to have a reasonable amount of knowledge, and I ask any Senator what it is there that is abstruse and incomprehensible and unmanageable by the ordinary methods of legislation in what is known as the Reagan bill, the House bill, for which it is proposed to substitute the Senate bill.

If I remember aright the provisions of that bill, they provide in the first place that freights shall be reasonable. I can see nothing peculiarly abstruse in that. If it is, we must charge the obscurity upon the common law.

Second. That one man shall pay no more than another man for the same service. Is that beyond the comprehension of any Senator? Is that beyond the comprehension of any page who waits upon us on this floor?

It provides again that there shall be no rebate nor drawback, which is simply another form of stating that all men shall be charged alike for the like service.

It provides again that the arrangement called pooling between these railroad lines or transportation lines of all kinds shall not be permitted—that is to say, that the pooling arrangements, which are intended to smother competition and to keep up prices in despite of the well-known economic effects of competition, shall be forbidden. Is there anything very abstruse in that? Will any Senator say that this is a dangerous subject upon which he feels hesitation to enter?

Again, the House bill provides that greater charges shall not be made for hauling products over a railroad a part of the distance than are made for hauling them over the same railroad the whole distance. If there is anything incomprehensible or mysterious about that which the plain common sense of Senators can not comprehend, I confess that I have been unable to find it. It is as plain a proposition to me as ever was submitted to a legislator; and the abuses resulting from the practices which this portion of the bill seeks to prohibit are as flagrant and as well recognized as any abuses connected with the transportation system.

Again and lastly it requires the rates prescribed by the railroad companies to be printed and posted up in every depot, so that every shipper may know precisely what he has to pay. That may be incomprehensible to some Senators, but it seems to me plain that any man, however innocent, who ever saw a railroad ought to be able to understand it, and how it could affect with a dangerous action or reaction any of the interests of the railroads or the capital invested therein, is something I can not understand.

Again we are told by those who desire to devise means to obstruct these reforms, that it is dangerous to undertake it because of the great number of persons engaged in railroading, the great number of lines of railroads, the great number of miles of railroad tracks that they operate, and the vast amount of capital engaged therein. They say there are over 1,200 separate distinct lines of railroad, covering 125,000 miles of track, and therefore it is dangerous, and it is complicated, and we ought not to attempt to legislate in regard to it. Why, Mr. President, the same thing might be said of larceny; that there were so many people engaged in it and had been at all times, and they were so ramified through all portions of the community that it was dangerous to undertake to legislate to restrain. The same thing might be said of fraud, and of all crime.

Suppose, if you can so imagine, a community of a somewhat Arcadian simplicity where the crime of robbing hen-roosts had come to be something of a nuisance; and suppose the Legislature, listening to the clamors of the rural population engaged in that kind of industry, should undertake to legislate and enact more stringent laws to prevent and punish the offense; and about the time they were ready to proceed, suppose that a delegation from persons engaged in the hen-roost robbery business should appear before the Legislature and should say to them, "Sirs, without meaning to be offensive, we warn you that you are ignorant of this business; we notify you that the robbery of feathered animals that fly is a highly complicated and technical business, differing very much from the ordinary vulgar robbery of animals that walk upon the earth. We assure you that all theoretic and speculative knowledge on this subject is entirely misleading and unsafe. There is a popular error abroad on this subject, and has been from the days of old Moses down. We say that no legislator can have any knowledge

of the business except by actual experience. You will do more harm than you will do good by your enactment," continues the address of the delegation to the Legislature, "you will do more harm than good by your laws if you are not very careful; we can not stand inflexible, iron rules; we must be left to the effect of competition and the laws of trade. If you are not careful and your laws become too rigid, you will absolutely force us to go to work, or you will drive us into the pork business, in which case the pig-raisers of the country will have to bear the loss of the short haul on chickens. If you will go into this business, if you will undertake to enact laws about a business of which you are profoundly ignorant, the least you can do is to hear us and our experts and business men and follow our advice. We offer to you, in lieu of your imperfect knowledge, the testimony of one Bill Sykes, who has been in the business for forty years, and, in fact, is an expert. He can tell an old hen from a pullet by starlight in the top of the loftiest apple tree in a farm-yard. Hear him. If you are determined to pursue this course, take Sykes's advice, appoint a committee of constables in every neighborhood to watch us when we go out upon our nightly forays, and see how many fowls we take and from whom we take them, but do not give them any power to arrest us; simply let them throw the light of publicity in upon our doings; perhaps we will quit of our own accord; but we think in fairness to both parties, as you profess to want to do justice to all classes of the community, we ought to have a hand in appointing that commission that is to watch us!"

That is about the sum and substance of the argument used in this case. You are ignorant, they say, of everything connected with railroads; you do not know anything about the complications and ramifications of this transportation business throughout all regions of the country, and all the interests of business people, and how there is action and reaction; and how a single law that you will pass here, simple as it may look, will rebound to the ruin of all men who have invested capital in these great enterprises. That is about the argument.

Sir, I am willing to confess my ignorance of the details and tricks of the trade of railroad transportation, and acknowledge that it is perhaps as great as that of any Senator on this floor. But that a public institution, affected with a public interest and chartered by the laws of the land and given peculiar privileges for the purpose of doing certain things, should charge one man more than another for the same service, should be permitted to smother the laws of competition and keep up prices, is something that if I were to confess my ignorance of I would confess my unworthiness to a seat in this or any other legislative body in Christendom.

Now, sir, they tell us that pooling is absolutely necessary; and I call your attention, Mr. President, and that of the Senate to the argument of Mr. Albert Fink, which was read to us the other day and indorsed by the Senator from Alabama, on this subject. Pooling is absolutely necessary! What for? Why, in the first place, to keep up the charges upon the long haul, or from competitive points to competitive points. Well, what good does that do? That enables the railroad companies, they say, to keep down the charges on the short haul or on the local freight. It seems to me that I have heard that argument before on another subject. It seems to me that I have heard it said on this floor that a high protective tariff would enable the manufacturers to pay their workmen higher wages; and that is very true, but I call your attention to a distinction between the ability of men to do things and the disposition of men to do things. They are able to pay their workmen higher wages; but do they do it? That is the question. If the rates on the long haul were kept up I acknowledge that it would enable the railroad men to reduce the freight on the short haul; but would they do it? That is the question. Have they ever done so? I have never known the local freight charge upon people who were in the absolute power of the road, and who could not patronize another, to be reduced, let the long haul be higher or lower.

Well, they say again that it is necessary to permit pooling for the reason that the rates in that way can only protect themselves against what may be called competitive strife; and Mr. Fink draws a very nice distinction, which as a lawyer you can understand, between legitimate competition and competitive strife, as he calls it. When the railroads are all at peace with each other there is a legitimate competition between them as to who shall plunder the people most, but when the pools are broken up and competition exerts its natural force, then the competition is as between themselves, and that is what Mr. Fink calls "competitive strife," or "cut-throat" competition, as the Senator from Georgia [Mr. BROWN] termed it the other day.

Mr. President, that argument amounts to this, and nothing more, that if you do not permit the railroads to plunder the people they will plunder each other. That is what it means. If you will permit them to make pools and put up the rates on their long hauls from all competitive points to the injury of the people, they will refrain from injuring each other; but if you do not do that, if you compel them, they say, to meet the force of competition at all competitive points and let the charges for the long haul be reduced, then they will go to fighting among themselves.

This is a candid defense of the policy of pooling at all events, whether it be an acceptable one to the public or not. I should like to ask if there is any reason why competition should not be permitted and en-

couraged between transportation lines just the same as it is permitted and encouraged and becomes the obvious policy of the law in all other business? But it seems that there is to be a different rule adopted in relation to the transportation companies from that which operates in all other business. Senators will get up on this floor and they will argue very eloquently indeed, and yet do nothing; in fact I believe that the eloquence exhibited here is in inverse proportion to the disposition of the speakers to do anything to remove the evils which are the subject of their eloquence. The moment you undertake to do anything practical to remove the evils they all with one accord begin to make excuses. They will exclaim almost, if not quite, in the language of Scripture: "Touch not mine incorporated, do my profits no harm"—spelling it with two "f's."

In justification of the position that nothing should be done, Senators have undertaken, it seems to me, to change the issue entirely. I have listened to some of the most eloquent speeches that I have ever had the pleasure of hearing in praise of railroads *per se*. We have been told that they are most excellent things for any civilized community. I listened, notably, to the speech of the Senator from Georgia, in which he told us what benefits they had conferred on the communities that came within his knowledge; how the great and prosperous city of Atlanta, or the ground on which it now stands, had not many years ago been bought for the price of a horse, bridle, and saddle, and now it is covered with great business houses and immense wealth. We have been told, also, how it increases the price of land, and how it causes vast additions to the population and to the business of the country. I listened to these encomiums upon the institution of railroads until I became convinced and well satisfied in my mind that a railroad could actually beat an old dirt-road and wagon for the transportation of freight—let me speak cautiously—I mean for long distances and for heavy loads; and I became satisfied that steam as applicable to water conveyances was absolutely better than the old-fashioned raft, because the old raft had frequently to wait until the river rose, whereas the steamboat, as I have been told, could get up steam, and, if the vessel did not draw too much water, start off just the same as you could start a wagon on the road.

So I was convinced that the railroads were useful things, and I was convinced from the course of the argument that the attempt was made to make the public believe that those of us who wanted to reform the operations of railroads were opposed to those institutions; else if it were not for that purpose it was certainly wasted eloquence. The Senator from Georgia in particular used the term, "a long line of steel rails against which so much has been said." Now I should like to know who has said anything against steel rails. Who has said anything against long lines of steel rails? Who has said anything against the superior advantages of railroads over the old-fashioned methods of conveyance? I have not heard any such thing said on this floor, and I do not remember to have heard any such thing said even by the statesmen who preside over the destinies of the intersections of highways in the rural districts. But because they do all these things is that any reason for refusing to control those who manage them?

We are told again that freights are cheaper now than they ever have been. That is no doubt true. We are told that this fact is due to the railroads. That is undoubtedly true. But that the freights on railroads would be cheaper even than they now are but for the management of the managers of railroads in resisting the clamor of the people for a reform is most true of all. No thanks to railroad managers for cheap freights. We owe thanks to science that has given them superior means of transportation over the old methods. That is where we owe thanks; and whenever the Huntingtons and the Goulds and the Vanderbilts and the Finks *et id genus omne* come here or anywhere else and claim credit for cheap freights, they claim that which is due to science, and that which has been brought about in spite of their energies to maintain high freights. As well might the sieve claim praise for yielding up the water which was poured into it as for them to claim credit for the charges which they can not get and have tried in vain to get.

Because the manufacturer of cloth, equipped with all the inventions of modern science, can make cheaper cloth than the old hand-loom and cards, are we therefore particularly and specially to adore that manufacturer? Do we owe any of the advantages of civilization arising from cheap literature to the genius of the authors and the art of printing, or do we owe it all to the compositors who set up the type and the pressmen who strike off the work? Do we owe anything to Morse and to science for the telegraph, or do we owe it all to the men who set up the poles and arrange the wires? And because printing has been beneficial to civilization, shall there therefore be no laws against slander, libel, and defamation of character? And because telegraphs are useful, shall there be no laws to regulate them in their dealings with the community? Verily, sir, it would seem not. But, in my opinion, every institution of any kind whatsoever, whose operations affect the public should be made subservient to the laws and the regulations imposed upon them by the laws.

Nor is it true, sir, that we owe any great amount of credit to the railroad corporations of the country for their generous investment of capital for the public good. At least half of all the railroads, if not a majority, with which I have personal acquaintance, were either built by the public taxation of the States or they were built by syndicates who

would commence operations with about half the means necessary to finish. They would go through the country and have public meetings called, speeches made, and the public expectation excited, and obtain all the private subscriptions that were possible, all the town and county subscriptions that could be obtained toward building the road; and when they were all received and expended in building the road, and perhaps they would about half finish it, then a mortgage by the syndicate would be placed upon the whole work for its completion, and in due time that mortgage would be foreclosed; the private stock, the town and county stock, and all the little fellows would be forced out, and the road passed into the hands of the syndicate for half price. That is the history of the roads built in my country; that is the history of the majority of them, perhaps everywhere, especially in the earlier periods of railroad construction. They are not now in the hands of the men whose money was originally put in to construct them; and yet men and the representatives of men who obtained control of these corporate works in this manner are the very loudest in protesting against any laws being passed which shall interfere with their right to do as they please with their property.

It is also worthy of note that much as these roads deprecate any interference of the law with their right to do as they please, they are willing, on the other hand, to obtain some more concessions from the law to strengthen them in their unjust discriminations. Witness the willingness and the anxiety of Mr. Fink, and others to obtain laws making their pooling system legal.

The amount of capital invested in railroads in this country, upon the face of the statistics, we find to be about \$7,500,000,000, in round numbers, and the gross receipts that they obtain for their operations from the people amount, in round numbers, to \$823,000,000 per annum. Therefore it is seen at once that these corporations which it is proposed shall not be controlled by the public levy and collect from the American people about two and a half times more money annually than is levied and collected by the Government of the United States for its support; and these are the institutions which we propose to exempt from all control.

Why, sir, the territory of this country is parceled out for taxation by these railroads in great geographical boundaries, as the Romans parceled out the adjacent world for conquest and plunder, assigning consuls and armies for the purpose. These financial fields are assigned to certain groups of transportation lines which are governed by central associations. Mr. Fink is at the head of one, and the Senator from Georgia informed us the other day that he was at the head of another, and there are still others beyond the Mississippi. I am told that the region of country which each line is permitted to supply is carefully laid out, and any trespass by competing lines on that territory as well as any infringement of the established rates is promptly punished by the central association. So the great syndicates which regulate freights have, in fact, a greater power over the property and fortunes of our people than Congress is invested with, for the taxing power of Congress is limited and defined by the Constitution; but what is to limit or define the tax of the transportation lines either in methods or amount?

Most of our States provide in their constitutions that taxation shall be uniform; but Senators say that it will not begin to do to apply the principle of uniformity to the taxation imposed by corporations. Many of the States provide that taxation shall be *ad valorem*, but this the friends of monopoly reject on behalf of the railroads; yet the representatives of the people, their powers being limited by the Constitution, are still further restrained by the direct responsibility which they owe to the people, whereas there is no responsibility whatever upon those who regulate rates for transportation. They meet in secret conclave; they are afraid of nobody; they are afraid of no influence. They levy taxation—not according to the *ad valorem* character of the property on which it is levied, but according to the amount which the product will bear—that is to say, they take the last cent that they can take without stopping the shipment and transportation of the article; and as for the public, they are in a position to say, as it is said one of their greatest men has said, "The public be damned."

And yet Senators say these things must not be changed!

Mr. President, I was wrong. I confess there is a mystery about this transportation business after all. It is a great and incomprehensible mystery to me. That mystery consists in the meek endurance, the long-suffering patience of the American people. That is the most mysterious thing connected with the whole transaction.

It is too late to say that there is no power in the law to control these corporations or to redress the grievances under which we labor. The great lawyers of the country have settled that. They are public institutions; they are subject to public control by virtue of their public capacity. The States within their borders can regulate them, and under the power given in the Constitution to Congress they can be regulated by Congress when their lines extend beyond the State borders. If not, then they are uncontrollable; and as the great wealth of the country consists in the value of its productions, and as these derive all their value from the facility with which they can be got to a market, we might as well surrender at once the property and fortunes of our people to incorporated human avarice.

Candid Senators should look the issue squarely in the face, and

should say either that they will or that they will not undertake to regulate these great railroads. There should be no more dodging—if I may be excused the expression; there should be no more doubting as to the power; there should be no more pleas of ignorance of the subject, and that they are afraid of doing wrong, because they permit wrong to be done every hour by failing to act.

As for the Senate bill which it is proposed to substitute for the House bill, however well meant it may have been, I consider it entirely delusive; I consider it absolutely inefficient. Why, Mr. President, it is proposed that nine commissioners shall operate over thirty-eight States and eight Territories, shall control and regulate traffic as far as it is invested with the power to do so over 1,200 railroads and 125,000 miles of lines. That of itself will impress every candid-thinking man in the country with the idea that the purpose of the Cullom bill is to do nothing, that it is the direct progeny of the circumlocution office where the highest effort of British genius was "how not to do it." That is the way, it seems to me, that candid statesmen will be compelled to view it.

What remedy does it give that does not already exist? It is already the privilege of any citizen who feels himself aggrieved to bring a suit against a railroad company for the redress of his wrongs. As the law now stands he can bring it either in the State courts or in the Federal courts, according to the question of jurisdiction. This bill would compel him to bring two suits and to bring both in the Federal tribunal—that is to say, he must first go before this commission. Where will the commission sit? Is it to be a traveling commission, and are its writs, like those of the old English kings, to be returnable *ubicunque fuerimus*?

After he has brought all his witnesses and employed his counsel and made his case known to the commission, and the commission decides in his favor, then what? Then the commission can do him no good. He is permitted to bring his suit, and he is to have the service of the district attorney of the district for the purpose of bringing his suit, with all the penalties as to costs and all the misfortunes arising from failure that he has now. If these commissioners are invested with the extraordinary powers proposed—not in extent, but in character—to be given them by this bill, I hope that there will be appended as their instructions Dogberry's charge to the watch when he stationed them for the night. Says Dogberry, addressing the watch: "You are thought here to be the most senseless and fit man for the constable of the watch, therefore bear you the lantern. This is your charge: You shall comprehend all vagrom men; you are to bid any man stand in the prince's name. Watch: How if a' will not stand? Dogberry: Why, then, take no notice of him, but let him go; and presently call the rest of the watch together, and thank God you are rid of a knave."

These commissioners are charged by the bill to comprehend all vagrom railroads, and bid them do justice in the name of the United States, and how if they will not do justice? Well then you are to take no note of them, but let them go and call the commissioners together, and thank God you are rid of a knave. That is the proposition with which grave Senators expect to satisfy the clamor of the country!

Mr. President, let me remind Senators of the story of the Sibylline books. You will remember that when the old Roman king was offered the whole nine at a certain high price he refused to purchase them. The Sibyl went away and burned three, and returned and offered him six for the same price. He still refused. The Sibyl went away and burned three more, and came back the third time and offered him the three for the same price, and by the advice of the augurs the price was paid. Now, sir, let me say to Senators that you will reject the demands of the people now, the honest demands for the redress of these grievances. I have no doubt the corporations have friends enough in this Congress to enable them to defeat a measure that will do any good; but the people will not abate one jot of their honest demands, and at every refusal their favor for the railroads will become less and less, and they will ultimately attain the full measure of all that they ask.

I shall close these few imperfect remarks by repeating what I said in debate some two weeks ago, that the interests of all concerned, railroad men and the public, will be subserved if the corporations will come in with a spirit of fairness and give us the advantage of their technical knowledge, and lead us in the safe and wise way to redress these grievances.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Kentucky as amended.

Mr. BECK. I desire to say that I shall vote against the amendment I offered because the amendment made to it was evidently intended to destroy it, and I agree that it does. It was voted for generally by the men who intended to kill the House or Reagan bill, so called, and I am content to stand on the provisions of the Reagan bill as they came from the House, rather than vote for an amended amendment which I intended in good faith to be attached to the bill for the purpose of getting clear of many of the things which gentlemen on the other side have always claimed the Senate bill provided for better. In regard to regulating hauls along a line where one haul might be longer than another, it was said there might be terminal difficulties at different points along the line that made it important to charge a little more for a somewhat shorter haul than was charged for a longer one. I looked into the

matter and sought in good faith to remove one flagrant evil, an acknowledged evil, and that was to say and to say no more than that the charge for hauling over the whole length of the line should be as great as should be made for a haul over any lesser or shorter part of it.

No man can deny that the proposition is fair and just, leaving all the questions in regard to intermediate hauls, whether they were a little longer or a little shorter, to be arranged hereafter. But when the Senate adds "under similar conditions and circumstances," it is evident that there can be no similar conditions and circumstances between a haul part of the way and a haul the whole length of the line. The conditions and circumstances must differ; the terminal points must be different. The conditions perhaps as to the cost of taking off or putting on freight must be different; and it must open up a series of lawsuits and controversies with the great power and wealth of the combined railroad corporations against the individual man who has the courage or audacity to sue them, by being able to say, "You know the conditions and circumstances were different because the termini were different, and many other conditions were different;" and no individual man will venture to enter into controversies with a system of roads controlling 125,000 miles and \$6,000,000,000 of capital.

When my amendment to the first section of the House bill was voted down I saw very clearly what would be the tactics of the enemies of the bill. They did not intend to make it any better or less objectionable than it was when it came from the House. One of their principal grounds of attack was that the House bill limited the passenger charge to 3 cents a mile by providing that the railroads should not charge more than that for passenger travel. I thought that there might be conditions under which it might be proper to charge more than that. I did not desire to go into the question of limiting them as to their passenger charges per mile. Let that be settled by a commission after examination. But most of the enemies of the House bill, who were opposed to the 3-cents-a-mile clause, voted upon a call of the yeas and nays to retain that provision in the House bill. Why? Was it because they desired it to be retained? No; it had been their main point of attack. I was seeking to divest the House bill of that objection and of other provisions, such as distinctions between one short haul and another shorter haul, neither of which extended over the whole length of the line, which was another of their points of attack, so as to make the House bill as little objectionable to them as possible. And yet upon a call of the yeas and nays the RECORD will show that a large majority of the men who are opposed to the House bill, nearly all who desire to do nothing but to allow the railroads to continue the absolute control over the commerce of the country which they have now in the interstate roads, all who desire that Congress should adjourn and have the Senate get away as far from the House as possible and leave the conferees nothing to confer, certainly nothing to agree about, placed themselves on record to maintain in the House bill the very provisions they had contended made it unconstitutional, and therefore vicious legislation.

No higher evidence can be given to prove to the country that they do not intend to consider the House bill or to make it correspond with the views they profess to entertain. Now, when they have added an amendment to my amendment, by which I in good faith sought to make the bill more acceptable to the men who were opposing some of the provisions of the House bill by saying we will not go into the question of charges between different short hauls over portions of the road, but will simply deal with one great question, which is that the maximum charge for any service upon any road shall be the maximum charged over any part of it, leaving the other matters to be considered hereafter, they oppose it. I illustrated yesterday that it was an outrage to charge \$800 per car to Virginia City, Nev., and only \$300 for an eight hundred miles longer haul to San Francisco over the same line, on the same train, for the same class of goods; and when I called that to the attention of the Senate, and also alluded to the charge from Memphis to New Orleans of \$1 a bale, and from Winona to New Orleans, a shorter haul by one hundred and twenty-five miles, at \$3 a bale, the Senator from Kansas said there were only two or three cases of that sort, as if there had been more the Senator from Kentucky would have mentioned them. There are hundreds of such cases; there may be thousands of them. In the city where I live within a very few years we have paid more to get freight from Cincinnati to Lexington than it cost to bring the same freight from New York to Cincinnati. I have before me the argument of Judge Black, of Pennsylvania, wherein he showed that some years ago coal which was hauled from the mines of Pennsylvania through the city of York, Pa., for sixty miles farther along the same line on the same train to Baltimore was delivered to the purchasers in Baltimore at a dollar and a half a ton less than it was delivered to men in York, on the same line of road, sixty miles nearer the mine. Thus, men living in York, Pa., carrying on blast-furnaces for example, could not compete with men living in Baltimore carrying on the same business, because their coal costs them a dollar and a half a ton more in York than it does in Baltimore, though the coal that went to Baltimore was hauled sixty miles farther over the same road on the same train that left it at York.

Mr. PLUMB. Will the Senator from Kentucky permit me to ask him a question?

Mr. BECK. Yes, sir.

Mr. PLUMB. I ask him if the two cases which he has mentioned, one of the transportation to Baltimore and to York and the other the transportation from Cincinnati to Louisville and Lexington, are not cases of unjust discrimination?

Mr. BECK. Obviously.

Mr. PLUMB. Then are they not specifically provided for in the Senate bill?

Mr. BECK. The Senate bill provides for nothing except through the action of a commission of doubtful constitutionality. There would not be a railroad in the country that would not attack the legality of that commission, both for its semi-legislative powers and semi-judicial powers, and keep all questions made against them in the courts of the country for five years to test that question. If it is not unjust discrimination, why not let the man affected go to the courts of the country where he can have a hearing without let or hindrance or appeal to any commission or to any other body of men to control his action?

Mr. PLUMB. Will the Senator advise me as to the particular provision of the Constitution which is violated by the appointment of this commission?

Mr. BECK. Congress has the power to regulate commerce among the States, but we have no right to invest any body of men with the power of a court by our appointment for a term of years, for one, two, three, four, five, or nine, as this commission is. Judges must be appointed for life or good behavior. Have we, I ask the Senator from Kansas?

Mr. PLUMB. I do not think we are creating a court to do that.

Mr. BECK. Then what do we create the commission for?

Mr. PLUMB. We create a certain agency to act under such instructions as may be from time to time given to them by Congress in regard to this matter?

Mr. BECK. If you will read your own bill—

Mr. PLUMB. That is to say, we shall have done that if this bill shall pass. If we have not the right to do this through any agency of that kind, then of course the only right we have is to dictate specific rates for every kind and character of haul that is transported over a railroad line.

Mr. BECK. I beg pardon.

Mr. PLUMB. I want to say one other thing in the same connection. I do not understand that the bill in any wise prevents any one from exercising any right which he is now permitted to exercise. Every person can bring his suit for unjust discrimination under the common law, and I remember a few days ago that a judgment was rendered in the Standard Oil case, which the Senator is undoubtedly familiar with, because he is up in all that class of cases, in the city of Cleveland, where the court held that the discrimination which had been practiced was unjust, and awarded damages by reason of it; and that class of cases and all such cases are permitted to go on as before if the party does not himself choose to resort to the remedies and to the agency provided by the Senate bill.

Mr. BECK. The very object of the House bill is to declare that acts which up to this time have not been unlawful shall be declared unlawful. Could the managers of the roads heretofore be punished for giving back rebates to the Standard Oil Company to the amount of \$10,000,000? What law prohibited that? None. We propose to pass a law saying that that shall be unlawful.

Mr. PLUMB. The court in Cleveland, Ohio, in the absence of Congressional legislation, decided it to be unlawful the other day.

Mr. BECK. Undoubtedly under State laws and State authority men can be reached for violation of State law. Why was it necessary for ten States in the Union to prohibit these acts in their constitutions? Why was it necessary for thirty States to enact laws against them if they can be reached without law, and why should interstate commerce remain without Congressional control while all the States of the Union are regulating their common carriers by law? I should like the Senator from Kansas to answer that. If it was necessary for ten States to put it in their constitutions, if it was necessary for the Legislatures of thirty States to put it into their law-books, surely in the far larger class of cases under Congressional control as interstate commerce it is equally necessary to declare what shall be illegal, what shall be extortion, what shall be unjust discrimination, and what shall be the fine and other penalties for the men who are guilty of such acts. Is it not important to say that he shall be sent to jail either for a year, or a day, and be fined not less than a thousand dollars if he is guilty? Would not that be a great restraint and important aid in prohibiting men from committing these offenses?

Mr. PLUMB. The Senator evidently has not read the Senate bill.

Mr. BECK. I have read the Senate bill, and I regard it as a very cunning expedient to pretend to do a good deal and to do nothing.

Mr. PLUMB. The House bill is not of that sort!

Mr. BECK. The House bill is not, because the House bill says that unjust discrimination shall be punished by fine and imprisonment, and the man aggrieved may go directly to the courts of the country and demand redress. Is there anything wrong or unusual about that? Is that not the manly and direct way of doing it?

Mr. PLUMB. That is just what the Senate bill says.

Mr. BECK. No; the Senate bill says that he shall go to a commission and lay his papers before them.

Mr. PLUMB. No; it gives him that additional right.

Mr. BECK. And if he does not get consent from them, he can not get much further. Their reports will, of course, be made up in the interest of the corporations, who will dictate who shall compose the commission, just as the men interested dictated the Tariff Commission.

Mr. PLUMB. I ask the Senator why would a commission be any more the creature of the corporations than a court appointed by the same authority and confirmed by the same Senate?

Mr. BECK. The court is appointed for life, or good behavior, and is independent of everybody, Republican or Democrat, and can not be disturbed, because they do not pander to power. The Tariff Commission, everybody knows, was made up and controlled by the parties in interest, and men interested were allowed to draw their own schedules, as the Senator from Iowa [Mr. ALLISON] said in his speech in regard to the cotton schedule, and as we all know was done in regard to the sugar and other schedules. Why did Charles Francis Adams, when he was disinterested, argue in favor of the Reagan bill and every principle of it, and then turn around when employed by the railroads and denounce the House bill and all similar laws? Why did Mr. Fink, with his \$25,000 a year, go before our Labor Committee and talk about the folly of legislation unless you gave the power to him? We may as well understand that 1,200 great railroad corporations, with \$6,000,000,000 capital, controlling 125,000 miles, are too big almost for Congress to handle, far less a body of three, four, five, seven, or nine men.

But I rose only to say that I would vote against my own amendment, emasculated as it is now by the amendment added to it.

Mr. CULLOM. Mr. President, I only desire to say a word, and I should not have done that had it not been for the Senator from Kentucky making the statement that the Senate bill is a cunningly devised bill, the purpose of which is to do nothing. I undertake to say, sir, that the House bill is a cunningly devised bill which will result in nothing so far as the public good is concerned, and I want to say that I drew the Senate bill myself, and I did it because I believed as I drew the bill that it was a bill which would operate in the interest of the people against the corporations of this country.

There is no cunning about it so far as protecting or shielding the corporations of the country is concerned; but it is a bill the result of my judgment, having had experience, more I may be allowed to say than the Senator from Kentucky, in dealing with commissions and railroads, and never having an interest to the extent of a 5-cent piece in any railroad on earth. But I believe from my experience that the Senate bill which is now before this body along with the House bill is the bill that will give the country relief from the impositions upon the people alleged by the Senator from Kentucky.

The Senator talks about the House bill as being the remedy for all the evils that exist; but, in my judgment, that House bill would fall to the ground without any sort of consequence to the country at all, because it would not be enforced in practice before the country, and, as the Senator from Massachusetts [Mr. DAWES] suggests, it is impracticable.

The Senator from Kentucky talks about the action of the States of this Union. It is true that about thirty States of the Union have legislation and some of them constitutional provisions upon this subject, but nearly all of them, about twenty-five of them I believe, have commissions for the purpose of executing whatever laws the States have passed on the subject. When the Senator talks about this being a novel proceeding, something unheard-of, the Senator talks about what is the rule in this country so far as legislation is concerned by the State governments.

I only rose now to say that I desire to call the attention of the Senate to what has been the history of legislation in the British Government as well as in this country on some of the points which have been referred to. I shall refer to some passages in the paper before me. I take out this paper not for the purpose of reading a speech, but simply for the purpose of reading extracts from a report of a select committee of Parliament upon the subjects that are now before the Senate.

The report of this select committee was ordered published by the house of commons in 1882. The committee consisted of twenty-seven members, and they were charged with the duty of looking into the workings of the railway commission established in 1873, and to report any amendments to the laws governing railways and canals. Referring to the railway commission, the committee say:

The next question is the nature and constitution of the tribunal from which aggrieved parties are to seek redress. Your committee are, first of all, of the opinion that the tribunal should be made permanent as well as special. The railway commission has to a great extent been hindered in its work by the temporary character with which it has hitherto been invested. At the same time your committee are convinced that the establishment of a commission has been of great public advantage, not merely in causing justice to be speedily done in those cases which have been brought before it, but also in preventing differences from arising as between railway companies and the public. Its utility is not to be measured solely by the instances in which it has been called upon to hear and determine, but also by the deterrent and controlling influence of its existence.

Again, they say:

Representatives of the railway companies—

And I desire to call the attention of the Senator from Kentucky to this subject—

Representatives of the railway companies, backed up by legal gentlemen of

eminence, have urged upon your committee that it is not desirable to continue the special tribunal in its present form, but that the court should be reconstituted by the appointment of a single judge, to be selected from the bench or the bar, aided by assessors wherever other than legal knowledge is required.

The Senator from Kentucky comes in here and insists that nothing is necessary but to pass an iron-clad law and turn the people over to the courts of the country. This committee of Parliament, consisting of twenty-seven members, after the English Government had had ten years' experience of a commission, say that the lawyers representing the corporations go before them and insist on the repeal of the statute and relegating the people again to the courts as the sole judge having purely judicial control. We say that that does not give the people the relief which we are seeking that they should have in this country, because a simple judicial tribunal is not the kind of tribunal that the people in the mass of these cases can ever go to and get through in securing justice against great corporations. We say that we want a commission created that shall not be far off from the mass of the people that have to deal with these corporations—not that they shall have to go to them, but that the commission, the tribunal specially created, shall go to the shipper and go to the people. So under the bill of the Senate to-day, if it were a law, no shipper having a complaint would be compelled to go out of his county or his town scarcely in making up his case and turning it over to the commission if he desired to do so, and that is the very theory upon which the bill was drawn; it is the very theory given by these twenty-seven members of a committee of Parliament, who say that the lawyers for the railroads want the commission repealed and a judiciary established for the hearing of these cases just like any others that might come before it.

I tell my friends that we can not expect to give any relief to the people against these corporations unless we give them a special tribunal that they can go to or that can come to them in making their complaints, and afford them a tribunal that will look into the complaints, find the testimony, carry it forward, make a decision, and if the corporation does not submit to it then turn it over to the courts and help the district attorney in prosecuting it further. What does the House bill do in this case? The House bill says, it is true, as the Senator from Indiana [Mr. HARRISON] said yesterday, that they can go into the courts and sue, and if they recover a judgment they will be entitled to smart-money. So it is; that is the provision of the House bill; but I tell you, sir, that practically no shipper of ordinary means will ever get to the end of a prosecution in the courts. First, he would have to employ a lawyer, pay him a retaining-fee to follow his case, hunt up his testimony, go through two or three courts, and if he lived long enough and had money enough to pay the expenses he would then forsooth be entitled to a little smart-money.

I say, Mr. President, that the interest of the people is in the line of establishing a commission that will go to the complainant, ask him what his grievance is, ask him who his witnesses are, hunt up his witnesses, take their testimony, examine into the facts, make a report, notify the railroad company, and if the railroad company do not pay, then turn it over to the district attorney and aid him in the prosecution of the man's case in the ordinary courts of the country. But the Senator from Kentucky says that we do not allow the shipper to go anywhere else. I say, as the Senator from Indiana said yesterday, that a man has a right to pursue his own remedy as the law exists to-day if he does not desire to allow the commission to look into the case.

But what does the Parliamentary committee say in reference to the people? It says:

From the traders and the general public, on the other hand, no demand has come for such a change. On the contrary, the general tenor of their evidence exhibits satisfaction with the services rendered to the public by the existing railway commission.

Your committee can not see any reason for reversing the legislation of 1873 and returning to the purely legal tribunal which, as the court of common pleas, was tried from 1854 to 1873 and then abandoned.

Your committee further consider that the jurisdiction of the railway commissioners should be extended, and that they should have power to enforce in the interests of the public the provisions of general and special acts affecting railway companies (exclusive of questions touching the safety of passengers), to enjoin and enforce obedience and to give redress in any case of illegal charges, including power to order payment of damages for any injury already sustained.

These paragraphs, Mr. President, are some of the expressions of the committee of Parliament in 1882, after more than ten years of trial of a commission, showing the judgment of that committee as to the importance of the commission and favoring its retention with an enlargement of its powers. In England maximum rates are fixed by law. The question of equal mileage—and I desire to ask the attention of the Senate to this—is discussed in the committee's report, which involves the question of charges for long and short hauls. The House bill provides that it shall be unlawful for any person engaged in interstate commerce to charge more for the transportation of property for a shorter than for a longer distance. The Senate bill says nothing about long or short hauls, but leaves the commission charged with the duty of protecting the people from extortion and unjust discrimination. Now, sir, what does the committee of the British Parliament say after years of experience? They say:

The form which the proposal for a fixed standard of charges has usually taken is equal mileage—i. e., a charge for each class of goods and passengers in pro-

portion to the distance for which they are carried. This point was urged before the royal commission, and is so effectually disposed of by their report that it seems scarcely necessary to dwell upon it further. They say it would prevent railway companies from lowering their fares and rates so as to compete with traffic by sea, by canal, or by a shorter or otherwise cheaper railway, and would thus deprive the public of the benefit of competition and the company of a legitimate source of profit.

It would prevent railway companies from making perfectly fair arrangements for carrying at a lower rate than usual goods brought in larger and constant quantities, or for carrying for long distances at a lower rate than for short distances.

It would compel a company to carry over a line which has been very expensive in construction, or which from gradients or otherwise is very expensive in working, at the same rate at which it carries over less expensive lines.

They further say that—

The proposers of equal mileage have admitted that there must be numerous exceptions where there is sea competition, where low rates for long distances will bring a profit, or where the article carried at low rates is a necessary, such as coal. It is scarcely necessary to observe that such exceptions as these, while inadequate to meet all the various cases, destroy the value of equal mileage as a principle or the possibility of applying it as a general rule.

Mr. President, I have quoted enough to show at least that the committee of Parliament, after long investigation, after years of legislative control of the railways of the kingdom, were unqualified in their declaration that it would be injurious to the business interests of the people to pass a law on the theory of equal mileage rates. On the question of legislation in relation to agreements between railway companies—in other words, in relation to pooling—the committee say:

As to the conference of companies for the purpose of mutual agreement, such as the English and Irish traffic conference, your committee would point out that such associations are inevitable and find place in almost every branch of trade.

Now, Mr. President, from what has been shown does it not seem wiser to leave out of any bill we may pass these provisions which are dangerous to the business interests if put into a statute and enforced, and instead to pass a bill making extortion and unjust discrimination a crime, provide a commission of able and honorable men to enforce the law, and while doing so furnish all the information possible for our guidance in the enactment of any further legislation to secure absolute protection to the people in dealing with transportation companies?

The principle of Government inspection with a commission to enforce equitable treatment is safest and, in the long run, more effective. The people in many of the States are well supplied with railroad facilities. You may traverse the continent enjoying almost the comforts of home. Freight is shipped with great expedition from one side of the continent to the other, a fact which I may say is in a great measure due to the consolidation of roads resulting in unity of management. There is no complaint, then, on account of lack of facilities or promptness or convenience. There are portions of the country where there is still a lack of railroad facilities, and we should be careful to avoid any legislation the effect of which would be to put a stop to the further investment of capital in the construction of railroads in sections of the country where greater facilities are needed. Let us then favor only such legislation as will secure the people against extortion and unjust discrimination, allowing only reasonable charges by transportation companies. The principle that transportation charges should be made in exact proportion to the exact distances over which goods are carried, known as the pro rata or mileage principle, is recognized as correct in the abstract, but it can not be made of universal application, because a tariff should be based on the cost of transportation, cost of road, quantity, and many other considerations that must be counted as factors in determining the expense of the transaction. A law to prevent the exercise of business judgment in any case, and that makes no allowance for the conditions that cause rates to vary, will, in my opinion, be a bad law, and we would be called upon very soon to repeal it. Grain and fuel and the necessities of life should be carried at the lowest possible rates, and the profits made by higher rates on luxuries.

Mr. President, it has often been said in this Senate that the question of regulating commerce among the several States is a great and important one, and yet there has seemed to be a little disposition to avoid its consideration. The subject of the transportation of freights and the mode of securing its transportation at the cheapest rate possible is engaging the attention not only of the people of this nation, but of many of the great nations of the world. We have about as many miles of railroad as all the rest of the world. They represent a nominal capital of \$7,000,000,000 and a real capital of between three and four billions. The value of our internal commerce is said to amount to \$15,000,000,000 per year. The railroads carry the greater part of the internal commerce of the country, by far the larger portion, and hence the attention given by the people to the subject of Government regulation of interstate commerce. The vast amount of capital invested in these roads, furnishing facilities to the people for carrying them and their products to market, should not be depreciated in value nor the rights of the roads disregarded. And in the performance of our constitutional duty to regulate commerce between the States we should treat these corporations as we do other interests, with fairness. The people should be protected from imposition at the hands of these transportation companies. There should be no real antagonism between the carrier and the customer, and in my judgment the way to avoid such antagonism is to pass a bill providing against extortion and unjust discrimination, and providing for the punishment of its violation, and to place the whole matter in the hands of a commission for enforcement.

I have shown the position of Parliament and the English law on this subject. We are not safe in going further than the present law of England goes. The best we can do will in a measure fail in satisfying the whole people, and do the best we can in relation to the regulation of interstate commerce we shall still be unable to secure the transportation of freights as cheaply as we hope they may finally be carried. While we are working in the interest of fair dealing between the railroads and the people and finally to reduce the rates, we shall be compelled to do as other nations are doing—not only regulate commerce on railroads, but give our attention to the improvement of all our water ways as well. While England is now controlling and regulating her railways, she is at the same time entering upon a system of canals which it is said will cost \$350,000,000, notwithstanding the fact that traffic by rail has been reduced to the minimum of cost. Germany also is about to spend in the same way about one hundred millions; France about eighty millions outside of the Panama Canal, which has not unfrequently been referred to of late.

I will not take up time longer in reading further passages from the report of the committee of the British Parliament which go to show that after the long experience they have had there legislating to control the railroads of that country for about thirty years, finally in 1873 they adopted the commission plan and refused to legislate on the subject of long and short hauls, or upon the subject of pools, and they in their report say that it is not in the interest of the public that either of those things should be fixed by statute, but that they had better be left to a commission whose exclusive business it should be to deal with the transportation companies in the interest of the people, and see to it that the people have fair play as between them and the corporations of that country. And that is what I have been seeking and what the Committee on Railroads of the Senate have been seeking by the report of their bill.

The Committee on Railroads are just as anxious as the Senator from Kentucky or the Senator from Texas or the Senator from North Carolina to do whatever is best in the interest of the public in regulating these great transportation companies of the country, and I insist that the apparently persistent effort on the part of those distinguished Senators to create the impression on this floor that every man who is not in favor of the House bill belongs to the corporations and is simply trying to do nothing, is not justified or true as a matter of fact; and I honestly believe that if the Senate bill were to pass it would prove to be more in the interest of the people than the bill of the House of Representatives which is now under consideration would prove to be.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. BECK] as amended, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired on this question with the Senator from West Virginia [Mr. CAMDEN]. I should vote "nay" if he were present.

The roll-call was concluded.

Mr. COKE (after having voted in the negative). I desire to withdraw my vote. I remember now that I was paired with the Senator from Alabama [Mr. MORGAN]. If he were present, he would vote "yea" and I should vote "nay."

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. CULLOM. My colleague [Mr. LOGAN] is paired with the Senator from North Carolina [Mr. RANSOM].

Mr. PLUMB (after having voted in the negative). I voted under a mistake. I am paired with the Senator from Louisiana [Mr. GIBSON]. I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. RANSOM. I am paired with the Senator from Illinois [Mr. LOGAN] whenever his colleague says so; I do not know how he would vote on this amendment. If at liberty, I should vote "nay."

The result was announced—yeas 6, nays 41; as follows:

YEAS—6.			
Bayard,	Hawley,	Van Wyck,	Vest.
Conger,	Platt,		
NAYS—41.			
Allison,	Fair,	McMillan,	Sabin,
Beck,	Frye,	McPherson,	Saulsbury,
Blair,	Hampton,	Mabone,	Sawyer,
Call,	Harris,	Manderson,	Sewell,
Cameron of Wis.,	Harrison,	Maxey,	Sherman,
Chace,	Hoar,	Miller of Cal.,	Slater,
Colquitt,	Ingalls,	Mitchell,	Wilhams,
Cullom,	Jackson,	Morrill,	Wilson.
Dawes,	Jonas,	Palmer,	
Dolph,	Kenna,	Pike,	
Edmunds,	Lamar,	Pugh,	
ABSENT—29.			
Aldrich,	Farley,	Jones of Florida,	Ransom,
Bowen,	Garland,	Jones of Nevada,	Riddleberger,
Brown,	George,	Lapham,	Vance,
Butler,	Gibson,	Logan,	Voorhees,
Camden,	Gorman,	Miller of N. Y.,	Walker.
Cameron of Pa.,	Groome,	Morgan,	
Cockrell,	Hale,	Pendleton,	
Coke,	Hill,	Plumb,	

So the amendment as amended was rejected.

Mr. SHERMAN. Mr. President—

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Kentucky has another amendment he wishes to propose.

Mr. BECK. I propose to amend in section 5, line 26, by adding after the word "substituted" the following proviso:

Provided, That there may be a reduction of rates prior to the posting of such new schedule. But in such case the new schedule shall be posted as aforesaid within five days after such reduction shall be made, and said schedule shall also specify the date at which the reduction commenced.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. BECK].

Mr. MAXEY. Mr. President, the essential distinction, as I understand it, between the Senate bill and the House bill is whether or not the grievances complained of by the people as to the action of the railroads shall be investigated by a commission without authority of law to hear and determine, or whether the grievances complained of shall be set forth and declared misdemeanors and submitted to the courts for adjudication, like any other misdemeanor or grievance.

It has been said that the Senate bill provides against pooling. The system of pooling is one of the gravest and most serious objections the people have to the present railroad management. I insist that the Senate bill does not provide against pooling, but that it admits the principle of pooling. It does it in a qualified way, but it admits the right of the railroads to pool, and the effect of pooling is a monopoly of all the railroads by a combination of some of them; and what they regard as an equitable distribution of the profits arising from transportation on any one of the roads in the combination is made for the common good of all. That is pooling. It is making a corner upon transportation; it is forestalling the market upon transportation. The House bill, in unqualified terms, makes that unlawful. The Senate bill makes it lawful.

Is not this so? Let us see. The Senate bill, in section 11, page 10 of the last print we have, declares one of the objects to be:

For the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States.

That is, the commission is to determine what arrangement and agreement will tend to impose unreasonable burdens upon the commerce among the States. That is a question which according to the Senate bill is not to be determined judicially, but to be passed upon by the commission, and when passed upon by the commission no remedy whatever can be applied by the commission to redress that grievance.

Mr. CULLOM. I believe the Senator was reading from the Senate bill at section 11.

Mr. MAXEY. I was, sir.

Mr. CULLOM. That section has no legislation in it any further than an instruction to the commission to examine into the question of pooling, as well as every other question named there, and to report to a future Congress.

Mr. MAXEY. That is precisely the objection which I have to the whole theory of the Senate bill. You create a commission, and you clothe that commission with power to go out into the country and hear complaints, and after they have heard the complaints they are powerless to afford a remedy for those complaints. That is the objection which I have to the whole theory of the bill. It is a promise to the ear to be broken to the hope. On the contrary, the House bill in terms declares:

And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

This distinction is as broad as the difference between sun in the noon-day heavens and the darkest midnight. One tolerates and agrees to the propriety and the right of the pooling system, and then says that any arrangement which shall tend to interfere with commerce shall be reported. Who reports it? The commission. When it is reported what good does that do? Who determines it? Then you go through all the machinery of laying the matter thus reported before the district attorney, and after a while, if you can work up a case, it goes to the courts. In other words, a man who is really aggrieved has to go before the commission and have his case looked into by the commission, with all the expense accompanying that investigation, and after he has done that it is laid before the district attorney, and if there is enough in it to make a case for a bill in equity or an indictment, then you have to send that to United States commissioners to take up the proof, and again comes in this double expense.

The effect of it is in its very nature and necessarily to deter any man who is really aggrieved from ever making an effort to have a remedy for his grievances, whereas the House bill is both a square and manly measure. It declares pooling, which is a monopoly, which is a contract in restraint of trade, which is a forestalling of the market, to be unlawful. It merely repeats what has been known to be the common law for centuries, and makes that a part and parcel of the law of the land.

Mr. SHERMAN. Mr. President, I have had more difficulty in dealing with this question than any of the important questions presented at the present session of Congress. The people of Ohio are very largely interested in railroad transportation. We have 7,200 miles of railways, probably as large a number of miles in proportion to the extent of our

territory as any State in the Union. Our people are largely interested as owners and managers of railways, the capital and debts of such corporations amounting to over \$500,000,000. Therefore it is that the people of Ohio take the deepest interest in the proposed legislation by Congress. I can safely say that, without division of party, the people of Ohio are in favor of strong, just, and liberal legislation upon the question of transportation and the management and control by Congress of interstate commerce.

There is no doubt expressed anywhere but that Congress alone has the power to deal with this question. The interstate commerce extends to the great body of the commerce of this country. The local commerce within the limits even of a State so large as Ohio is comparatively small. Nearly all the surplus productions of Ohio are shipped to States beyond our limits, and nearly all that is consumed not the products of Ohio has been the subject of interstate commerce. So that I may say that the body of the commerce of the State is interstate. It so happens, too, that nearly all the great leading lines of railway in the United States cross that State; certainly all the four great trunk-lines running from east to west, and some of those running from north to south. So our people are deeply interested in this question, and I have no doubt but that both my colleague and myself would agree that the people of Ohio are more intensely interested in the subjects embraced in the bill than in any other bill pending before Congress.

In respect to the power of Congress over the subject, as I have said, it is indisputable. We find it plainly written in the Constitution:

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

It is a broad and exclusive power that has not yet been fully exercised as it was expected to be by the framers of the Constitution. It is only asserting a trite fact when I say that but for the necessity of regulating commerce with foreign nations and among the States the Constitution probably would not have been formed at the time it was. In the very first movements to form the National Government the importance of regulating commerce among the States was declared to be the leading motive for the formation of the National Government.

It must be remembered that at that time commerce among the States was but a very small item compared to what it is now. All the States were located along the line of the Atlantic Ocean. Our commerce with foreign nations then was immensely greater than our commerce among the States, but the enormous development of this country has changed the whole order of things. Now our foreign commerce, exports and imports together, embraces about \$1,500,000,000, and our internal commerce is estimated at \$15,000,000,000, or ten to one. It is pretty difficult indeed to estimate what is the extent of our interstate commerce. It is so vast that figures seem to fail to express the immense extent of it.

It is affirmed that the navigation along the Ohio River and the Mississippi River is greater than our whole external commerce. It is said that the navigation of the lakes far exceeds our commerce with all foreign countries. So the question we are dealing with is not only with greater amounts than any other problem before us, but affects every class of our people in the broad extent of our country.

Under these circumstances, I have felt it my duty, without heretofore taking any share in this debate, not being a member of the committee which framed the bill, to examine it with all the care and attention I could give to it, and I shall express my opinions in as few words as possible as to the choice to be made between the two bills.

We have two propositions before us, one called the Reagan bill, which has been debated and passed by the House of Representatives, and another called the Cullom or Senate bill, framed by one of our committees, and which has been debated here in antagonism to the Reagan bill. We are called upon to choose between them. I would vote for either if the other was away. It is, therefore, a mere choice between the two measures; and I propose now to give the reasons why I think on the whole the Senate bill is the most conservative in its character, the most wide-reaching in its effect, the most beneficial to the people of all the States interested, the most beneficial even to the people of Texas and to the regions where the Reagan bill seems to have the greatest strength.

If I can convince any Senator, as I have convinced myself, that this will be the effect of the Senate bill as against the Reagan bill, then I shall have at least justified the vote that I shall give in favor of the Senate bill, and I shall have justified my conduct to my constituents who are writing to me in great number to act upon this question promptly. That general public opinion has been in favor of the Reagan bill solely because it proposed legislation controlling railways, but, as a matter of course, the people have not yet studied or examined the details or provisions of the Senate bill, so they have not been able to give any opinion on one as against the other.

Mr. MAXEY. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. MAXEY. The Senator states, and I was very glad to hear him say so, that he would vote for either bill if the other was out of the way. Now, I ask him as a practical legislator with a great many years' experience, if there is not a far greater probability that if the Senate

votes for the Reagan bill it will become a law rather than if the Senator should vote for the Senate bill it can become a law? As a question of practical legislation, would it not be better for the Senator to support the Reagan bill in order to procure a law on the subject?

Mr. SHERMAN. If I shall be able to show that the Senate bill is better than the Reagan bill the Senator ought to join with me in passing the Senate bill, and the House, I have no doubt, would agree to it. I know the feeling in the House, because I have conversed with members of the House of both political parties who voted for the Reagan bill, and they are not entirely satisfied with its provisions, but with the expectation and hope that the Senate would make such changes as would make it more wide-reaching, comprehensive, and effective than the Reagan bill, they gave it their support.

The reason why Congress has not heretofore acted upon this question is very palpable. Our whole commerce is changed, not only in its extent but in the mode of transportation. Within my period of manhood every railroad in the United States has been built. When, as a young man, I crossed the Alleghany Mountains and struck a railroad at Cumberland, Md., I thought it was the greatest wonder in the world. Up to that time I had never seen a railroad. Indeed all the railroads in the United States have been built since the period of manhood of the majority of Senators. Even that great motive power, the steamboat, has been invented, devised, and brought into being since the framers of the Constitution finished their handiwork.

So we are dealing now not with a power that is doubtful, not upon a question on which we should have any difference of opinion, but we are dealing with new agencies of commerce devised in our generation or in the preceding one, and we should bring to the subject the lights of modern experience as well as the ideas and objects that prevailed when the Constitution was formed. Steamboats and railroads are now the chief agencies of commerce. They have revolutionized commerce. No longer does any one depend upon the slow-moving sailing craft or upon the prairie "schooner" or on the old Conestoga wagon over the mountains of Pennsylvania. Our modes of communication are entirely different, and therefore we must look upon this question as practical men, and conform our measures to the wonderful development that has been made in our productions, the revolution in our means of transportation, and the almost fabulous sums invested in these new agencies of commerce.

Nearly every question which affects the problem we are now meeting has arisen within the last twenty years, because it must be remembered that until 1866 nearly every railroad in the United States was merely local in its character. There was no interstate commerce until in the last twenty or thirty years. For instance, the Erie road ended and terminated at Dunkirk, and the State of Pennsylvania refused to allow that road and other roads to cross the State of Pennsylvania at the little panhandle up on the Lake Shore. The roads of Ohio began and terminated in Ohio. The great New York Central, which now stretches out with its mighty arm across the continent, had its terminus at Buffalo, and that road itself was divided into seven distinct corporations, and it required years upon years to combine it into a single line from New York to Buffalo.

Take the great Pennsylvania Railroad, the tonnage of which is so enormous—more than 22,000,000 tons a year. That road itself was a local road. Within my recollection, yes, within twenty years, its terminus was in Pittsburgh, Pa. Going from Philadelphia to Pittsburgh it there terminated, and there it joined another road chartered by Pennsylvania to reach the Ohio State line, and there the line was taken up across the State of Ohio by another road, and across Indiana by another road, and into Chicago, Ill., by another road. All these roads have been consolidated within thirty years.

All the elements of this problem have changed, and now we have connecting lines of railroad, which Congress required to be made. The act of 1866 was one of the wisest laws passed by Congress. Up to that time there was no continuous and continuing lines of railroad going from State to State and doing the commerce of a continent. They were mere local roads or local lines, subject only to local regulations. Now they are transcontinental; they are more than national—they are international. These lines have been formed by their connecting links, one after another.

I ought to have said that when the Baltimore and Ohio road was started it was purely a local road, and when it approached the borders of the State of Pennsylvania that State refused to allow the Baltimore and Ohio road to cross its borders, and for years that was a matter of contention. The Baltimore and Ohio was compelled to deflect this line to Bellaire instead of the natural route to Pittsburgh. It was purely a local road; and could only go through, as it did, with the assent of the State of Virginia. When it came to the Ohio line, Ohio, by another railroad, took up the Baltimore and Ohio line and extended it.

Until within twenty or twenty-five years these were merely local roads without the slightest power to contract outside of the limits of the State, but gradually from a community of interests these connecting lines formed their links by pooling, you may say, or a species of pooling, by connecting their separate corporations, binding them in connecting-links by contract, until Congress in 1866 declared, as the first regulation of interstate railway commerce of an effective character in

this country, that where railroads connected they should be run as continuous lines. That is the law which was referred to by my honorable friend from Iowa [Mr. WILSON]. He says that he was part and parcel of the law and helped to make it. That was the first law passed by Congress to make interstate commerce possible in this country, and that has been done within twenty years.

We thus by our law connected these lines of railroad so that instead of being local corporations they are great national corporations. The Pennsylvania line extends in one unbroken management from New York to Chicago, with interlacing lines stretching every way like a great tree.

Mr. SAULSBURY. I should like to ask the Senator from Ohio, by his permission, whether the railroads enjoy that privilege under the authority conferred by Congress, or whether the privilege which they have of uniting and consolidating is not derived by State legislation from the State charters of the companies that are thus consolidated?

Mr. SHERMAN. I think the whole of that grew out of the fact that the corporations were authorized to contract and to be contracted with, and connecting lines by mutual agreements made arrangements with each other. I do not know how the State of Delaware could give any railroad in Delaware the right to go into Pennsylvania. The National Government can give that right as a regulation of interstate commerce, or by mutual agreement between adjoining States the power to connect may be given to corporations created by such States.

Mr. SAULSBURY. Does not the Senator see that a State Legislature may charter a company and give that company the power to consolidate with any other company chartered by another State on such terms and conditions as the two companies may agree upon? That is frequently done. But the Senator was referring to an act of Congress, and I wanted to ascertain whether there was any authority conferred by Congress under which any railroad companies were to-day operating conjointly.

Mr. SHERMAN. The States incorporating two separate companies may authorize them to contract with each other and to make these arrangements, but Congress made it the duty of the roads to do so. It was not a mere permission to contract and extend and connect their lines of communication, but Congress made it imperative, and two railroads that merely touch each other by contact are compelled by the terms of that law to make through rates the whole extent of their lines. There is no doubt whatever but what that is within the power of Congress, because the power of Congress to regulate commerce includes also the power to regulate corporations created by States as well as natural individuals.

Mr. SAULSBURY. If the Senator will not think me impertinent for asking the question—for it is information I want—

Mr. SHERMAN. Certainly; I yield to the Senator.

Mr. SAULSBURY. I have had some difficulty in arriving at a conclusion in my own mind as to what was the proper thing to do in reference to these bills. I wish to ask the Senator whether under the power to regulate commerce he thinks Congress has any authority whatever to deal with the question of freights and fares charged by railroads? I should like to hear his views on that subject.

Mr. SHERMAN. I have no doubt of it. I do not want to go into these collateral questions, because it will prolong my remarks. I did not intend to speak long, but wished merely to give the reasons why I prefer one bill rather than another.

I do not think Congress has the right to impair the obligation of contracts. I do not know by what authority Congress can change the contract made between the State and the individual, as is proposed in the Reagan bill, by providing that no railroad in the United States shall charge more than 3 cents a mile, although its construction may have cost a million dollars a mile, and although the State may have authorized the railroad to charge 5 cents a mile. Congress can not change the contract between the State and an individual or corporation.

I have been looking for gentlemen on the other side of the Chamber to correct this flaw in the Reagan bill. I should like to know, and to have them answer at their leisure, where is the authority in Congress to change a contract between a corporation and a State. Here is a question where the doctrine of States' rights may come in. It seems to me that wherever States' rights should be asserted to do justice to a corporation they are not asserted, but where they may be used to rob or plunder a corporation they are asserted and enforced.

That Congress ought to legislate upon this subject is manifest to everybody. The railroads engaged in interstate commerce have cost, or are represented by securities amounting to \$7,000,000,000. The number of miles of railroad is over 120,000 miles. All the legislation that can affect these railroads must come from the National Government. Their local charters end with local boundaries. The States of Pennsylvania and New York, though powerful and great States, have no right to regulate contracts made beyond their boundary line. They have no right to regulate anything in the way of commerce extending beyond their boundary line, and unless the railroad corporations are subject to the jurisdiction of Congress they are a power within a power, stronger even than the State.

If it were not for the power of Congress over these corporations they would be a supreme power in this country. But Congress is armed with full power to do by them as they may think it right in accordance

with the Constitution of the United States, and without respect to local laws. It is Congress, therefore, that must act upon this subject, and all of us on this side of the Chamber, as well as on the other, admit that the power of Congress is not only ample but it is exclusive, for if it should be claimed that what we attempt to do here can not be done, then a railroad corporation, armed with the charter of a State and with the authority of the National Government to connect at State lines across a continent, would be above and beyond all law. I do not believe that at all. I believe that the New York Central Railroad and the Pennsylvania Railroad, two of the greatest railroad corporations in this country, are just as amenable to the laws of the land, just as much within the local power of Congress, as I myself am subject to its jurisdiction.

Now, Mr. President, what is the duty of Congress in this respect? The first duty of all is to protect the people from imposition, from injustice, from wrong. Therefore I have no difficulty in dealing with the Reagan bill by admitting that with the exception of the attempt to change the contract between the State government and the corporation Congress has the power to do all that is asserted by the Reagan bill.

This is but the beginning of legislation in regard to railroads. Hereafter it will continue and increase. I have no doubt that the making of suitable regulations in regard to railroads in this country will be one of the great and immediate duties of Congress. I am therefore not disturbed about the power, but I say it is the duty of Congress to protect the people from injustice by the railroad corporations. I am willing to go as far as any one in doing justice, but I do not want to go so far as to destroy these great agencies of modern commerce. I do not want to destroy the goose that lays the golden egg. It is the commerce of these railroads that has united our country more than any other circumstance. It is the commerce carried on by these railroads that has enabled us to people and populate a vast region of country in the West. It is the engineering, progressive, pushing force of these railroads into the wilderness that has made our continent and our country a magnificent whole. Before that time California was separated from the Missouri and the Mississippi. The North and the South were widely separated from each other for want of communication. Railroads have done more to knit and bind this country into one magnificent whole than all other agencies combined. Therefore, while we protect our own people, we ought not to destroy the railroads.

I have no doubt that the power of Congress will be appealed to—it is appealed to now—not only to protect the people but to protect the railroads themselves and the owners of those railroads. Within the twenty years since the railroads have formed their connecting lines they have been eaten to death by parasites. Every railroad has had its little inner ring and all sorts of cunning schemes and devices have been made and entered into not only to cheat the people but to cheat their own stockholders. I doubt if there is a single railroad in our country that has not in it and about it, composed of its officers, some of these parasites which prevent proper dividends from being paid to the stockholders. What are they? The sleeping-car company is one. Railroad corporations make an arrangement with a sleeping-car company, an organization entirely outside of them, to run cars over their road. Such contracts become much more valuable property than the road itself which carries the cars over the rails.

Another mode is by express or freight companies. I believe that this is pretty well broken up now, but for years express and freight companies have been incorporated and lines have been started, the Red Line, the Blue Line, and all sorts of lines, over the railroads. In this way a property right was created by a contract between the board of directors of a railroad with some favored individuals in the railroad, and then privileges and rates were given to the express companies which bled and ate the life and substance and property of the railroad stockholders. Those have existed, and I have no doubt we shall be called upon to protect the stockholders from this imposition. So with telegraph lines. Besides that, many boards of directors by voting themselves high salaries and creating enormous expense, run the road not for the benefit of the owners, but for the benefit of a favored few.

Therefore it is possible in our country that railroad stock may sell for \$20 or \$30 a share in the market, when every man knows that this railroad stock will never pay a dividend as long as water runs or fire burns. But it is the power to control the corporation given by the votes of the stock that enables men to seize and hold a great corporation and pay enormous sums for the stock of the road merely to exercise the power granted by the corporate law for their own gain and profit.

There are these and others; but I am not going to waste much time about it. In some cases salaries are given which shock almost our sense of justice, salaries not only by one corporation but by a dozen corporations. Not only that, but in some cases, although the railroads are represented by directors who are sworn, or at least whose duty it is made to guard the property they represent, they pile mortgage upon mortgage on the property, create income bonds, preferred stock, and all sorts of liens; and in that way many of the best railroads in this country, that would earn a fair dividend on their actual cost, by subtle plans on the part of the stockholders, the interest of the innocent citizen, men, women, and children, who perhaps have invested their little sums for stock, is fairly eaten out, lost, and destroyed.

There is no doubt that Congress, which is now exercising its power in

this country to protect the people, will be soon called upon to protect the stockholders, and I shall be just as ready then to vote reasonable legislation to protect against these abuses as I would vote for the bill to protect against undue discriminations, fares, and tolls in favor of particular individuals. I speak of this merely to show that this power over the subject-matter is vital to us, and that we ought to so act upon this bill as to show that we are fit to be trusted with this great and important power.

I say that legislation by Congress upon this subject is demanded not only in the interest of the people, but in the interest of property honestly held and honestly earned. At this time the railroad system is in very great danger. No one can doubt that the enormous competition which has been created by rival lines has in many cases reduced the profits of the railroads and their earnings. The necessity of providing for dividends on watered stock and the like has been so great that there are but very few railroads of the United States, powerful as they are, which can pay dividends to their stockholders. Therefore any hostile legislation to further cripple their business ought to be very carefully guarded. If we do not look out we may really break down those corporations and compel them to divide the long-extended lines into broken links, and then the rates of transportation will rapidly advance. The decrease in the market value of railroad securities in the last two years is represented to be about 40 per cent. It has disappeared in the market value. Few of the roads are now earning dividends.

It has been sometimes said in this debate that the law of competition is a sufficient regulation for railroad corporations. In some respects the law of competition has worked well. Since these lines have been connected the cost of transportation in the United States has been reduced in a marvelous degree. I remember when I was a member of what is called the Windom Committee on Transportation we traveled all over the United States; we took the testimony of all the expert railroad men we could find and men engaged in commerce of various kinds. Upon one question we found a singular unanimity of opinion, and that was that the minimum cost of transportation was 1 cent per mile. The figures were produced, the actual details, the expenses shown, and this simple problem was absolutely demonstrated.

It was shown by the general superintendent of the New York Central, who gave us the details of the cost of transportation, and the same evidence was given by other corporations, that the minimum of transportation was 1 cent a ton per mile. That would be \$10 a ton from Chicago to New York, the distance being about a thousand miles. That was their statement of what is the lowest cost. Now, this system of competition has gone on since then, and there has been a progress made in railroad building, a change so great that it is almost marvelous when I now think of it. That was only ten years ago, and yet since that time by the introduction of steel rails, by new and improved cars, by new machinery in the way of brakes, by a thousand ingenious devices of our own people, the same freight can be transported over the same railroad for less than one-half of what it could be only twelve years ago.

I have here a table cut from one of the commercial papers showing the enormous reduction that has been made by competition in long lines of transportation. I find that the freight from New York to Chicago on a bushel of wheat weighing sixty pounds was in 1868, 29 cents; in 1869, 25 cents; in 1870, 22 cents; in 1872, 28 cents, and so on. Then running down again, in 1874 it was 16 cents; in 1875, 14 cents, and so on until in 1884 the freight on a bushel of wheat from Chicago to New York was 9 3/4 cents. So that the freight by competition has been reduced to 9 3/4 cents. Here is the statement:

WHEAT PRICES AND FREIGHTS.
[From the Cincinnati Price Current.]

In the following compilation will be shown the annual wheat crops of the United States and exports (flour included), stated in millions of bushels, with the lowest and average price of No. 2 wheat in Chicago, and average rates of freight from Chicago to New York per bushel of wheat by lake and rail, with the lowest Chicago price and freight to New York added, annually for seventeen years, from 1868 to 1885, inclusive:

Year.	Crop.	Export.	Lowest price.	Average price.	Freight to New York.	Freight and price.
	Millions.	Millions.	Cents.	Cents.	Cents.	Cents.
1868.....	224	30	104 1/2	170 1/2	29	183 1/2
1869.....	260	54	76 1/2	111 1/2	25	101 1/2
1870.....	236	53	73 1/2	97	22	95 1/2
1871.....	231	40	99 1/2	121 1/2	25	124 1/2
1872.....	250	52	101	125 1/2	28	129
1873.....	281	92	89	117 1/2	26 1/2	115 1/2
1874.....	309	73	81 1/2	108 1/2	16 1/2	98 1/2
1875.....	292	76	83 1/2	98 1/2	14 1/2	97 1/2
1876.....	289	57	83	102 1/2	11 1/2	94 1/2
1877.....	364	93	101 1/2	128 1/2	15 1/2	117 1/2
1878.....	420	149	77	96 1/2	11 1/2	88 1/2
1879.....	449	181	81 1/2	99 1/2	13 1/2	94 1/2
1880.....	498	186	86 1/2	105 1/2	15 1/2	102 1/2
1881.....	380	122	95 1/2	115 1/2	10 1/2	105 1/2
1882.....	504	149	91 1/2	118	10 1/2	102
1883.....	450	111	90	101 1/2	11 1/2	101 1/2
1884.....	513	69 1/2	82 1/2	9 1/2	79 1/2

In the above the exports are for twelve months beginning on July 1 of the year stated. The freight rates for 1884 are the average from January 1 to September 1.

What more do you want? If any man had told me when we were around on that pilgrimage seeking for cheap transportation that without a law of Congress, merely as the effect of competition, the price of the transportation of wheat would be reduced from 29 cents, as it was then, to 9 cents, I would have said that our committee ought to disband because the thing would work out its own cure. So it will to a great extent, but I shall take occasion to refer to the low rates. The rates are now so low from the great competing points owing to competition, say from Chicago, Saint Louis, or Cincinnati, that if our Texas grangers should try to reduce them more they would break up every railroad corporation in the country. The rates can not be further reduced. There is a point to which you can go, and beyond that you will draw the life-blood.

The attempt to carry wheat at a lower rate than 9 3/4 cents in a long haul would be absolute destruction to all the railroad corporations. They can not do it. It may be that we shall have some new invention; new devices, that will still enable them more and more to cheapen the rate. We know that the great competing railroad companies, each of them representing probably a hundred million dollars, are eagerly watching out for every chance of competition, and they will reduce the rate still more and more. That has been done by competition probably more than could have been done by legislation.

If I were seeking only by the passage of this bill cheap transportation, I would say, "hands off; let these men compete with each other." But that is not all that we are trying to accomplish by the bill. It is claimed that while from certain points transportation is low enough, probably; from other points shorter in distance and shorter in haul the rates are much higher, and that there is an unjust discrimination made between citizens, between towns, between States, and between individuals; that the railroad companies make contracts with favored individuals by which they give them the monopoly of transportation.

The common case pointed out by the Senator from Kentucky, I believe, was that the Standard Oil Company had a rate which actually drove out of existence all competitors in their line of business. That is wrong, intrinsically wrong, and I shall vote to break it down if there is power enough in Congress to do it. If these corporations are soulless, they ought to be heartless, they ought to make no discrimination, giving no favor, but making the same rule apply to all classes of transportation under the same conditions; and to the extent that this measure will tend to effect that object I think it is of vital importance.

The Reagan bill makes ample provision against discrimination. It says that no discrimination shall be made. It forbids it. It declares that if it is done it shall be illegal, and then provides a penalty at the end of a long lawsuit, and the measure of the penalty is three times the damage done. The damage may be \$10, in which case the penalty would be \$30, and then the plaintiff who has prosecuted his suit under the operation of that bill, or has sought his remedy, would probably be broken up in the contest, and the railroad would not care about drawing a check for \$30, but would pay him in silver dollars, or in any way they thought would be easiest. The first objection I have to the Reagan bill, and I beg Senators to think of it, is that it is a penal bill, penal in its nature and in all its provisions. It has no remedial feature in it, except the remedy that can be recovered at the end of a long lawsuit. You can not make such a bill as that useful or operative, except to punish crime, and you can not make this a crime of a magnitude and character which would justify you in sending to the penitentiary the president or the directors of the company. If you choose to do it, if you attempt to carry the measure by penal law, you ought to furnish penalties and punishments that would send the president of the railroad to the penitentiary.

But that is not all. The Reagan bill provides that the remedy shall be in the State courts, in any court where an agent can be found. Whether the injury occurred in that State makes no difference. Wherever the man who complains of the action of the railroad chooses to sue he can sue. He can go before a justice of the peace, if the amount is within the jurisdiction of a justice, or go before a county court, if it is over a hundred dollars, and commence suit in any tribunal. What is the effect of the judgment? You may make the railroad pay the judgment, but what does that amount to? Nothing.

Besides there is no appeal from that decision. Suppose the railroad insist that they are not violating the law, must they try that great question, which turns upon the construction of an act of Congress, before a justice of the peace in Texas? Must they try that great question before some local tribunal in a State perhaps hostile to this legislation? Must they try that question in a State which probably does not own a single share of the railroad stock affected by the operations of that judgment?

According to the proposed law, although the question involved may be a construction of the Constitution of the United States, although it may be the construction of the very law that we are passing, yet that case can in no event be carried to the Supreme Court of the United States or to any United States court. Thus thirty-eight different tribunals all over this country, with their varying decisions, may be called upon to decide upon the terms of this measure without any power whatever to take the case to a court whose decision will be universally acknowledged. This, it seems to me, is the worst feature of the Reagan bill. It seems to be State rights gone mad. The very cause of

action is given by an act of Congress. The whole thing is granted by Congress, and is national in its nature. No State could give such authority over a corporation beyond its limits, and yet this question, growing out of national law, can not be brought to a national court, but must be decided finally in a local tribunal.

The language is plain and clear. No such measure as that can meet my sanction. If under the circumstances and under the clauses of the judiciary act the case involved in any of these local courts does involve a construction of an act of Congress or of the Constitution, or any national question, then the right to carry it before the national authorities must be given. Otherwise you have struck out the whole foundation of your judiciary system. We have a national judiciary to construe the laws of Congress and pass upon all questions arising under the national law; and yet the bill excludes the Supreme Court of the United States and all the national courts from any jurisdiction over any case that may arise under it, and confines it to the local tribunal. But that is not all.

Mr. COKE. Will the Senator from Ohio allow me to interrupt him?
Mr. SHERMAN. Certainly.

Mr. COKE. I refer the Senator to the House or Reagan bill, in which I think he will see it is provided that a citizen who has been injured by a railroad company may prosecute his remedy in either a State or Federal court, as may happen to have the jurisdiction of it in the locality.

Mr. SHERMAN. That is, it gives him the choice.

Mr. COKE. Yes, sir; it gives him the choice.

Mr. SHERMAN. But when he commences his suit in a State court, as he always would, the decision of that court is final, and no provision is made to transfer the case; indeed it is prohibited that it shall be transferred, to the United States court.

Mr. COKE. A transfer of the cause to the Federal court is prohibited; but I ask the Senator if there are not methods of reviewing the decisions of State courts, outside of this proposed act, already provided by writ of error?

Mr. SHERMAN. I believe that the Supreme Court would hold without question that that provision of the proposed law is unconstitutional; but I do not want to pass an unconstitutional law merely to allow the Supreme Court to reverse it.

Mr. COKE. The question I put to the Senator is, if every citizen has not a right already granted, in a mode already provided, to bring before the Supreme Court of the United States an infraction of a law of the United States?

Mr. SHERMAN. I doubt very much whether this provision does not fall within the decision in the case of *Prigg vs. The Commonwealth of Pennsylvania*, where it was decided by the Supreme Court of the United States that Congress had no power to impose upon any State an act in the nature of the enforcement of what would be regarded as a criminal act. The act in this case is in the nature of a *quidam* action. It is an action for a penalty. I have not the slightest idea but what the Supreme Court would hold it to be unconstitutional, at least to the extent that it denies to the citizen of the United States living not in Texas where the suit is brought, but living say in Pennsylvania, the right by writ of error to transfer the case to the Supreme Court of the United States. If they do it they do it because the law is unconstitutional which attempts to restrain it.

But that is not all. I do not believe we have the power to confer jurisdiction upon the State courts to enforce penalties. That is fair and square in the face of the decision of the Supreme Court. Here is a penal action where treble damages are to be allowed. What right has Congress to impose upon a State the enforcement of these laws or to confer jurisdiction upon it? Any State might refuse to do it clearly.

Mr. COKE. I will ask the Senator, with his permission, if the laws of Congress are not supreme all over the United States, and if they are supreme I ask him if the State courts can not enforce them?

Mr. SHERMAN. I do not think the laws of Congress are supreme over a State to compel a State to pass a law to suit our convenience. Why should the United States, with an ample judiciary power, with authority to create courts anywhere and everywhere of all kinds and descriptions, rely absolutely and exclusively upon State courts to pass upon the construction of our own laws? I do not think that this is a provision which should appear in the law. I believe it is plainly unconstitutional.

I should like Senators to answer me another question. What right has Congress to change a contract made between a State and a citizen? It is true that the provision of the Constitution—

Mr. COKE rose.

Mr. SHERMAN. I will hear the Senator.

Mr. COKE. I understood the Senator to put a question to me.

Mr. SHERMAN. The Senator will have time enough to answer.

Mr. COKE. I understand the Senator to refer to the provision in the House bill prescribing 3 cents per mile as the maximum rate.

Mr. SHERMAN. That is what I refer to.

Mr. COKE. I voted to strike out that provision, and all the gentlemen on this side of the Chamber in favor of the Reagan bill so voted, while the gentlemen on the other side of the Chamber voted to keep it in. I ask the Senator to propound his question to some of his friends over there.

Mr. SHERMAN. Perhaps, taking the usual course which I have seen pursued on both sides very often, we require you to perfect your own proposition in your own way. Perhaps that is the way, but at any rate that provision is clearly unconstitutional. Senators around me say, for I do not think I was present at the time, that other questions were involved in the same motion. But I certainly assure the Senator that if he will move to strike out that proposition I shall vote with him to improve the bill to that extent.

Mr. COKE. It will be done.

Mr. SHERMAN. There is another feature of the Reagan bill which struck me at first with a good deal of force, and it was only after a careful examination that I was able to satisfy myself that it ought not to be put in. I refer to the following provision, in section 4 of the Reagan bill:

That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter, on any one railroad or pipe-line.

As an abstract proposition it would appear to be right and just that no railroad should be authorized to charge less for a greater distance for transportation of the same kind of property than for a shorter distance. That would seem to be right and fair, but when you come to examine this question in all its surroundings such a provision as that would in my judgment not only do great harm to the people of the United States, but I believe it would confer a great benefit upon the railroad companies to the injury of the people; and I hope my friend from Texas will listen to me upon that point. I have no doubt that if that provision should become a law, wheat would not be transported from Chicago to New York for 9½ cents a bushel, by a great way. It would leap up at once to a rate in harmony with the local rate.

I know enough about corporations and railroads to know that the first effect of this provision would be to compel an advance of freights at all the competing points. Why? If the Pennsylvania Railroad, for instance, should attempt to carry wheat at the rate of 9½ cents a bushel over the whole line of its road from Chicago to Philadelphia and from all the points along that line, the result would be bankruptcy to any railroad in the United States which would undertake to carry all its freight upon that kind of a rate. Before submitting to bankruptcy the railroad would take the other alternative; they would raise the rate at Chicago, and then "all Rome would howl." Then our Western grangers and our Texas friends would begin to feel that their cattle would have to pay a considerably larger sum. All our Western friends, whose country has been developed by railroad competition, would find then that they would have no advantage as they now have over the people of a State like Ohio, where we lie midway between the great Western ports and the Atlantic coast.

If I were speaking only for the people of my own State, and only in a narrow, selfish interest, I should vote for this proposition, because I know the effect of it. While it might not reduce our local freights in Ohio, it would advance the freights in the West, and would relieve us from the enormous competition which Iowa now makes with us in raising wheat, pork, corn, and all those things; but I do not think it would be right. Nor do I think it is wrong for the railroad companies to make this discrimination in favor of competing points. Why? It is known that the great body of the transportation of a railroad is its local transportation. Different railroads differ in regard to that; but the general rule is that the local transportation is 70 per cent. and the through transportation is 30 per cent., but in most cases it is 85 per cent. local and 15 per cent. through.

For the purpose of gaining a share of the through transportation from Chicago or Saint Louis or the great interior points, the railroads struggle for the through business, because whatever they can get from that source is so much added to their income without much increasing their expenses. They struggle for it and make competition and make the lowest rates of transportation; but if you relieve them from that necessity and make a mandatory iron rule by which they shall charge no more from Chicago than from Fort Wayne or other places it will raise their rate, and they will stand by that rate and say that "Congress, composed largely of our fellow-citizens from Western States, compel us to do it in order to live." That would be the effect of it; and I do not think that any railroad man who hears me or any man accustomed to their mode of business would think otherwise.

I have heard the remark made in the course of this debate that the railroads would not carry wheat for less than it would cost them. No, but it must be remembered that in speaking of the whole cost of a railroad you must take into account the interest on their bonds; you must take into account all of what are called in technical phrase fixed charges, charges which can not be avoided, not only the running expenses and interest upon their debt, but fair dividends to their stockholders, proper improvements and additions to their equipment. When they are contesting for the trade in Chicago they can dispose of the fixed charges for the competition and say, "If you can get a portion of the through freight from Chicago we can afford to carry it at a reasonable profit on the actual running cost." I hope Senators will understand the difference between them.

The running cost of a railroad is the cost of the wear and tear of railroad cars, the wear and tear of machinery, the pay of the engineer and the brakeman, and that is about all. If they can get from this through traffic, which gives to the West an enormous benefit over our traffic, simply a compensation for their running charges or a reasonable profit, they will compete until they get their share of it. That is all there is about it. But if, on the other hand, they shall not be permitted to do that, but shall charge as much under all circumstances from Chicago through to New York as from all the intermediate points, as a matter of course they will first make a rate which they think is just and fair for their local stations, and then they will put Chicago at the same rate, and if you complain they will point to your own law as a justification and an excuse for it. There can be no doubt about it.

There is another thing I heard my friend from North Carolina [Mr. VANCE] was very much troubled about—pooling. Pooling sometimes reduces rates; sometimes it may be made to increase rates. Where there is but a small transportation, as on the failure of a crop or the like, the freights have fallen off largely, and then pooling prevents competition, because there is not enough business for all the competing roads; but when there is a great crop as there was two or three years ago, or whenever there is a great crop, using all the equipments and machinery of all the competing roads, as a matter of course pooling is beneficial, because they are enabled then at less cost to divide the business among them. On some roads it may be best and most economical to run all the wheat, on another road it may be best to run all the cattle, and they divide the freight by arrangement between them, some carrying one article, some another, according to the grades, the equipments, the nature of the road, and a thousand circumstances which enter into it. In such cases the pooling arrangement is a beneficial one, and instead of adding to the cost it actually diminishes it. So if we attempt to impose upon these companies an absolute iron rule which would prevent pooling in all cases, it might defeat the object of this bill.

Mr. President, I do not propose to go any further in the discussion of the Reagan bill. I have no doubt that the general rules laid down by it are right. I respect the desire of the Senators who seek to pass it, but I say it will not accomplish the object they seek to gain, but, on the other hand, it will add to the burdens of all the Western people by compelling railroads to charge them local rates substantially. It will prevent railroads from making such arrangements with each other as will enable them to run cheaply and successfully all the vast products of this country. It will compel a discrimination in many cases, because where a railroad has an advantage by physical law, as the New York Central Railroad has an advantage by physical law, having a lower grade, if they are all compelled to charge the same rate at all times, it gives to the road having physical advantages a great advantage over another road that has had to overcome mountains and cross valleys.

Now, a few words in regard to the Senate bill. The Senate bill goes upon the idea of a board of arbitration. I think if I had been called upon to frame a bill I should have called it the board of arbitration instead of a commission. But a name is nothing in a matter of this kind. What is the theory of the Senate bill? We know now that the freight charges and the regulations of railroads are generally made by a little congress of five or six people chosen one from each of the great railroads. They meet at Chicago, or at the Fifth Avenue Hotel, or some other place where it is convenient and pleasant, and they sit down and make laws which affect every person in the United States. Sometimes they discriminate against persons, sometimes against places. They make unreasonable rates from particular localities, they make discriminating rates against certain articles, they lower rates in regard to other articles not founded upon any reason.

In other words, as I have heard one of them say, they put such rates as the market will afford without much respect to their equity. They are compelled to do it. They are legislating for a local corporate interest. Unquestionably in doing this they often do injustice by their discrimination, and the people complain all over the country. The people say, "We ought to have redress." Take a town in Ohio, where the people say, "Our charges are more than another neighboring town where there is more competition." That is wrong, and everybody says it is wrong, but what is their redress? A suit in the courts against a great railroad corporation. The suit under the Reagan bill would be the merest farce, to enforce a penalty of three times the amount involved.

On the other hand, the bill of the Senate provides for a board of arbitration, not a little local court whose opinions would not be respected by the corporation or anybody else, but a high tribunal composed of men equal in dignity to the Supreme Court of the United States. There any citizen may seek his redress; any town may make its plea. That tribunal, in the terms of the bill, is armed not with the power of issuing execution but armed with the moral power of the people of the United States. A complaint is made in the name of the people, under this proposed law, before this tribunal of nine distinguished judges, among the best in our country, who ought to be non-partisan in their character, because the bill I believe provides for that—men of the highest type, who are not interested in the subject-matter. The complaint is sent to that tribunal and they hear it in a summary manner, as they could rapidly do, and they would say at once, "This discrimination is unjust;

it is wrong; we pronounce it to be, in the language of the law, extortion." Now, no railroad will submit to that. No railroad would violate in a plain case the injunction of this high tribunal, because if they did the decision of the tribunal would be certified to the proper officers of the Government, and, armed with this decision, with the facts and circumstances of the case and the opinion of the court, the parties complaining would apply to the courts of law.

The only reason, I suppose, why the commission is not armed with the power of judgment and execution is that under the Constitution they can not be. They are not a court, in the true sense of the word. They might be created a court if necessary, but I think the general judgment of the people would be against that. If they were constituted a court they would be judges for life, and these are to be men in active life, able to work, able to take testimony and to hear causes. In other words, they ought to be men of such activity that they can travel around through their respective circuits, receiving complaints and hearing complaints so far as they are authorized to hear them. The moral powers of such a commission would be greater than the judgment of fifty State courts, which can not be supervised.

With the exception of the provision about the long haul and the short haul I say that the Senate bill contains every safeguard, every restriction, every provision against injustice that is contained in the Reagan bill. Its language against discrimination is as strong as that in the Reagan bill. It does not prescribe as an absolute rule that the charges should not be in any case that may be conceived less on the short than on the long haul, but it does provide that the charges shall be reasonable, and it is authorized to pass and report upon the question as to how far rules may be prescribed in the future. I only utter the language and repeat the very admirable statement made by the Senator from Alabama [Mr. PUGH], when I say that it contains more wide-reaching provisions that will command the respect of the railroads and command enforcement and execution than the Reagan bill.

The more I study it I regard it with more favor. At first I feared it was not strong enough, but I believe now that it contains the foundation of a code which will be built up by the railroad commission into a body of laws as the commercial law of England was built up by the masterly ability of Chief-Justice Holt and Lord Mansfield. It has been said over and over again that the commercial laws of that time, without the aid of acts of Parliament, were built up by judicial decisions by those great men in a time when commerce was reviving over the country. All the laws relating to bills of exchange and promissory notes and a vast field of commercial law were the dictate of judicial decision. I believe that this commission, if composed of such men as it ought to be, will be able from time to time to frame such rules and regulations.

Mr. MCPHERSON. Will the Senator from Ohio yield for a question?

Mr. SHERMAN. Certainly.

Mr. MCPHERSON. The statement that he makes, found in the Senate bill, that the commission will have the power to determine as to the reasonableness of rate, gives them the power to fix rates, does it not?

Mr. SHERMAN. They are authorized by the general phraseology of the bill not only to say what rates are reasonable, but to prescribe rules and regulations. Indeed, their field is as broad as the power of Congress. Whatever can be done under the authority to regulate commerce can be recommended by the commission.

Mr. MCPHERSON. Then the Senator places it a good deal stronger than my language did. Their power is undisputed; it is not restricted in any particular at all; the discretion of the commission is the only thing in the world that is to govern the rate. The rate must be reasonable. It must depend entirely upon the judgment of the commission whether the rate is exorbitant or reasonable. Let me ask the Senator if he thinks there is any power lodged in Congress, under the Constitution of the country, to so regulate common carriers as to fix the rates upon which they shall do business?

Mr. SHERMAN. I say that their decision is not final, because if they should decide, a railroad company is not bound to obey their decision. Therefore a suit may be commenced in the proper tribunal, and the court would decide that question, so that after all it is their moral power and influence that will be most operative.

Mr. MCPHERSON. Very true; but if the Senator will bear with me a moment longer, the bill gives the commission power to fix the measure of damages resulting to the aggrieved party. He may appeal to the court from the judgment of the commission.

Mr. SHERMAN. There is no judgment rendered.

Mr. MCPHERSON. After all, the commission have the power to fix the rates and determine their reasonableness. Now let me present another question to the Senator.

Mr. SHERMAN. I trust the Senator will not interfere now. I shall be through in five minutes, if he will let me proceed.

Mr. MCPHERSON. I should like to ask the question, because it touches on this matter.

Mr. SHERMAN. I did not hear any question put to me. I waited for a question.

Mr. MCPHERSON. Very well; I shall wait.

Mr. SHERMAN. If the Senator will put the question and not premise it with an argument I shall answer it with pleasure.

The experience of the States shows that the form of a commission here proposed is the best. We have a railroad commissioner in Ohio who has but very little power, and yet his influence has been good. In many of the States they have commissions very much like the commission proposed in the Senate bill, and the experience in every one of them has been favorable in securing the rights of the people. What has been adopted by the States in regard to their local commerce might well be followed by the United States in regard to the broader field of interstate commerce.

Again, the bill is merely tentative, inquiring, experimenting, pushing forward. No man ought to deal with a great question like this with a broad-ax or prescribe rules that have many exceptions to them. It is far better to proceed by tentative, slow, and progressive acts, until finally we shall have a railroad code established in this country after a few years' experience.

Then, besides, it is cheap and easy. Every man can be his own lawyer in this business. He writes an intelligent statement of his grievance to intelligent men, and if they require evidence to fortify his statement they can require it to be given and it will be given cheaply and plainly. The facts may not be disputed.

Then it will apply uniform rules throughout the United States. These rules are made by national authority, while if the rules governing railroads as to what is a reasonable charge are to be decided by legal tribunals, we have thirty-eight different decisions, all differing, and no one having any force beyond the limits of the State line.

Mr. President, this proposed law is based upon general principles which apply to the whole country and not merely to localities, and it will be, therefore, respected and observed, while the laws of one State will not be respected or observed in another, and the decisions of the courts in one State will not be respected and observed in others. It is based upon general principles.

Then it allows a just leeway for exceptions. There is no rule stated in either of these bills that has not some exceptions. I could give them almost from my own knowledge of railroads. Then on the question of discrimination I could point out cases where discrimination would be justified, although this prohibits it in all cases. That is probably a strong case. The rules ought to be universal; but as to the long haul and short haul I can see exceptions; as to pooling I can see exceptions, and they are exceptions that may be defined properly by experience, and we shall have that experience in the various complaints that will be made to this commission. I say it is better for the protection of the railroads themselves.

Indeed, I think the time has fully come when the railroad corporations of the country ought to be placed under theegis of the law. Unless this is done I believe railroad property will be like plank-road property, or turnpike property, or canal property, it will disappear from among the properties to be bought and sold unless it is protected from some of the abuses that occur in nearly all the great railroad systems of the country.

I think, therefore, in every way in which I can view this bill it will be beneficial to the people East and West, North and South. I believe it will be beneficial to the owners of the railroads, the stockholders, and the men who have put their money in them. It will tend to curb and control and limit the powers of the men who now govern them with absolute sway.

In every view of it, therefore, I think the Senate bill is better than the Reagan bill, and although much popular favor has been enlisted from time to time in favor of the Reagan bill because it is a bill that deals with the question—that is all—not because they understand its provisions or favor them, but because it grapples with and deals with the railroad corporations. I say the Senate bill does more. It not only grapples with them, but it lays the broad and deep foundation for an admirable system of railroad law, which in my judgment will govern all the railroads of the country.

Mr. KENNA. Mr. President, it has been many years since any question under discussion before the Senate has given rise to so great a divergence of thought and diversity of argument as that now under consideration. It seems to me, and I am not sure I am correct in that presumption, that the question has been made to present difficulties which do not properly belong to it. We have before us for consideration two bills, one involving a commission, the other bill aimed directly at the evils alleged to exist. Both bills in their respective theories are based on the assumed power of Congress to deal with the subject. While the exercise of that power is vigorously resisted, I concur in its assertion. I desire briefly to call attention to a general line of declarations by a number of decisions of the Supreme Court of the United States touching the subject and to state my own position in favor of the fullness of the power of Congress over it.

In the early case of *Gibbons vs. Ogden*, reported in 9 Wheaton, page 195, Chief-Justice Marshall said, in delivering the opinion of the court:

But in regulating commerce with foreign nations the power of Congress does not stop at the jurisdictional lines of the several States. It would be a very useless power if it could not pass those lines. The commerce of the United States with foreign nations is that of the whole United States; every district has a right to participate in it. The deep streams which penetrate our country in every direction pass through the interior of almost every State in the Union, and furnish the means of exercising this right. If Congress has the power to

regulate it, that power must be exercised whenever the subject exists. If it exists within the States, if a foreign voyage may commence or terminate at a port within a State, then the power of Congress may be exercised within a State.

This principle is if possible still more clear when applied to commerce "among the several States." They either join each other, in which case they are separated by a mathematical line, or they are remote from each other, in which case other States lie between them. What is commerce "among" them, and how is it to be conducted? Can a trading expedition between two adjoining States commence and terminate outside of each? And if the trading intercourse be between two States remote from each other, must it not commence in one, terminate in the other, and probably pass through a third? Commerce among the States must of necessity be commerce with the States. In the regulation of trade with the Indian tribes the action of the law, especially when the Constitution was made, was chiefly within a State. The power of Congress, then, whatever it may be, must be exercised within the territorial jurisdiction of the several States.

The sense of the nation on this subject is unequivocally manifested by the provisions made in the laws for transporting goods by land between Baltimore and Providence, between New York and Philadelphia, and between Philadelphia and Baltimore.

We are now arrived at the inquiry, what is this power? It is the power to regulate—that is, to prescribe—the rule by which commerce is to be governed. This power, like others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

Mr. Justice Johnson, in an opinion delivered in the same case, page 225, supported by the decision of the court, said:

The "power to regulate commerce," here meant to be granted was that power to regulate commerce which previously existed in the States. But what was that power? The States were, unquestionably, supreme; and each possessed that power over commerce which is acknowledged to reside in every sovereign State. The definition and limits of that power are to be sought among the features of international law; and, as it was not only admitted but insisted on by both parties, in argument, that, "unaffected by a state of war, by treaties, or by municipal regulations, all commerce among independent States was legitimate," there is no necessity to appeal to the oracles of the *jus commune* for the correctness of that doctrine.

The law of nations, regarding man as a social animal, pronounces all commerce legitimate, in a state of peace, until prohibited by positive law. The power of a sovereign State over commerce, therefore, amounts to nothing more than a power to limit and restrain it at pleasure. And since the power to prescribe the limits to its freedom necessarily implies the power to determine what shall remain unrestrained, it follows that the power must be exclusive; it can reside but in one potentate; and hence the grant of this power carries with it the whole subject, leaving nothing for the State to act upon.

And, Mr. President, following the line of decisions of the Supreme Court, it seems to me to be settled by that tribunal that it makes no difference what agencies operate in the conduct of commercial intercourse. The power attaches according to the classification of the subject. If that be interstate in its character, Congress has the power. If it be confined wholly within a single State, power over it remains in the State. In the case of the State freight tax (*15 Wallace*, page 275), this proposition is laid down, I think, with sufficient clearness. I read from the opinion of the court:

Beyond all question the transportation of freight, or of the subjects of commerce, for the purpose of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States. A power to prevent embarrassing restrictions by any State was the thing desired. The power was given by the same words and in the same clause by which was conferred power to regulate commerce with foreign nations. It would be absurd to suppose that the transmission of the subjects of trade from the State to the buyer or from the place of production to the market was not contemplated, for without that there could be no consummated trade either with foreign nations or among the States.

In his work on the Constitution Judge Story asserts that the sense in which the word "commerce" is used in that instrument includes not only traffic, but intercourse and navigation. And in the *Passenger* cases it was said: "Commerce consists in selling the superfluity, in purchasing articles of necessity, as well productions as manufactures, in buying from one nation and selling to another, or in transporting the merchandise from the seller to the buyer to gain the freight." Nor does it make any difference whether this interchange of commodities is by land or by water. In either case the bringing of the goods from the seller to the buyer is commerce. Among the States it must have been principally by land when the Constitution was adopted.

However this may be, the rule has been asserted with great clearness that whenever the subjects over which a power to regulate commerce is asserted are in their nature national, or admit of one uniform system or plan of regulation, they may justly be said to be of such a nature as to require exclusive legislation by Congress.

And in the *Missouri* case, reported in 1 Otto, page 280, the same proposition is discussed:

Commerce is a term of the largest import. It comprehends intercourse for the purposes of trade in any and all its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of one country and the citizens or subjects of other countries and between the citizens of different States. The power to regulate it embraces all the instruments by which such commerce may be conducted.

Mr. BAYARD. From what case does the Senator read?

Mr. KENNA. *Welton vs. State of Missouri*.

So far as some of these instruments are concerned, and some subjects which are local in their operation, it has been held that the States may provide regulations until Congress acts with reference to them; but where the subject to which the power applies is national in its character, or of such a nature as to admit of uniformity of regulation, the power is exclusive of all State authority.

It will not be denied that that portion of commerce with foreign countries and between the States which consists in the transportation and exchange of

commodities is of national importance, and admits and requires uniformity of regulation. The very object of investing this power in the General Government was to insure this uniformity against discriminating State legislation.

It does not matter, according to these decisions, that the agency which conducts commerce, that the agency which transports the commodities of any State to be exchanged for those of another, shall operate wholly within a State or within many States. The case of the Daniel Ball, reported in 10 Wallace, page 565, thoroughly establishes this position. The Daniel Ball was a steamer plying on Grand River, Michigan, wholly within the State, not running in connection with any line of transportation by land, or by water, or any continuous line, nor by arrangement with any line, but acting independently wholly within the State and upon water within the State exclusively.

In this case—

Said the court—

It is admitted that the steamer was engaged in shipping and transporting down Grand River goods destined and marked for other States than Michigan, and in receiving and transporting up the river goods brought within the State from without its limits; but inasmuch as her agency in the transportation was entirely within the limits of the State and she did not run in connection with or in continuation of any line of vessels or railway leading to other States, it is contended that she was engaged entirely in domestic commerce. But this conclusion does not follow.

So far as she was employed in transporting goods destined for other States, or goods brought from without the limits of Michigan and destined to places within that State, she was engaged in commerce between the States, and however limited that commerce may have been, she was, so far as it went, subject to the legislation of Congress. She was employed as an instrument of that commerce; for whenever a commodity has begun to move as an article of trade from one State to another, commerce in that commodity between the States has commenced. The fact that several different and independent agencies are employed in transporting the commodity, some acting entirely in one State and some acting through two or more States, does in no respect affect the character of the transaction. To the extent in which each agency acts in that transportation it is subject to the regulation of Congress.

Mr. President, it makes no difference, according to the same line of authorities, that the agency did not exist when the Constitution was adopted. The distinction between commerce and the agency which conducts it is pointedly marked through the whole line of decisions. In a case decided not very long ago, reported in 6 Otto, coming from Florida, a case, by the way, in which a Senator now on this floor was one of the counsel, Chief-Justice Waite, delivering the opinion of the court, makes the following presentation:

Congress has power "to regulate commerce with foreign nations and among the several States" (Constitution, Article I, section 8, paragraph 3); and "to establish post-offices and post roads" (Id., paragraph 7). The Constitution of the United States and the laws made in pursuance thereof are the supreme law of the land. (Article VI, par. 2.) A law of Congress made in pursuance of the Constitution suspends or overrides all State statutes with which it is in conflict. Since the case of *Gibbons vs. Ogden* (9 Wheat., 1) it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress. Post-offices and post-roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress, because, being national in their operation, they should be under the protecting care of the National Government. The powers thus granted are not confined to the instrumentalities of commerce or the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stage-coach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth. They were intended for the government of the business to which they relate at all times and under all circumstances. As they were intrusted to the General Government for the good of the nation, it is not only the right but the duty of Congress to see to it that intercourse among the States and the transmission of intelligence are not obstructed or unnecessarily encumbered by State legislation.

We are all aware of the fact that the power conferred upon Congress by the commercial clause of the Constitution was conferred for the very purpose of preventing improper and embarrassing discriminations by the States. To admit for one moment that the power was conferred by the States upon Congress for the purpose of preventing and setting a perpetual bar against invidious action by the various States of the country upon a subject in which all were greatly concerned, and on the other hand to assert that a State may do by the charter of corporations what it confessedly can not do by direct legislative enactment, would be an abandonment of the whole prerogative of Congress conferred by the commercial clause of the Constitution. It would do more. It would construe the clause to divest the States of the power, and yet concede to the States the right to confer it on railroad corporations; thus, on the other hand, wresting it from Congress, and thereby, Mr. President, grave as the assertion may appear, surrendering absolute control of the interstate commerce of 50,000,000 of people to quasi-public and quasi-private, but in either event equally irresponsible, corporations.

This startling conclusion, I assert, is the deliberate object of those who boldly deny the power of Congress over interstate commerce. And this object would be equally accomplished if it be conceded for a moment that because an agency operates wholly within a State Congress can not reach it. What an anomaly! A railroad, for instance, runs wholly within a State; therefore, these corporations tell us, Congress can not act. But that same railroad carries freights passing from one State to another. This is interstate commerce; therefore the State can not act. Mr. President, that will not do. The power to regulate interstate commerce is as plenary in Congress as the control over purely

local or State commerce is supreme in the State. I have preferred in presenting my views on this interesting question to employ the language of the courts, because it is apt and adds to argument the weight of authority.

Congress having the power, then, what is the demand for legislation on the subject? It has been said here that the demand is popular; that it is practically universal; that it comes from every quarter. I have satisfied myself by some observation on the subject that these demands have come from very important sources. A number of the Legislatures of the States have demanded this legislation, among them New York and Pennsylvania. The National Board of Trade has demanded it. Boards of trade and chambers of commerce throughout the country have urged it. The Grain-Receiver's Association—here let me remind the Senator from Ohio [Mr. SHERMAN], who illustrated his opposition to this bill by reference to its supposed injurious effect upon grain shipments from Chicago—the fact is that the Grain-Receiver's Association of Chicago has demanded legislation in this very line. The Millers' Association of Cincinnati, the Produce Exchange of New York, the national and local boards of trade throughout the country, and merchants and citizens everywhere have appealed to Congress for national intervention.

Why is it that legislation is demanded? Why is it that a country like this, which owes so much in the last half century of its development, of its greatness, of its prosperity, to railroad enterprise alone, should thus early in the history of that development and enterprise be demanding that the strong hand of power be placed on these agencies to restrain them? The demand is not unreasonable. It can not be. It comes from intelligent sources. It emanates from patriotic citizens, who would no sooner do injustice to railroad enterprise than that of the individual.

Take my own State as an illustration—with its coal and salt and its iron and oil, with its magnificent timbers of every variety covering the whole face of the earth, natural resources which have become familiar everywhere—dependent as we necessarily must be for an indefinite period upon railroad enterprise not only already undertaken by the great trunk lines that traverse our State, but which is to come in the future, wrapped up as we are and as we must be in present and prospective railroad development, why is it that West Virginia should be in sympathy with this proposed legislation? Mr. President, there is a reason for it somewhere. It is not the development of a native instinct of hostility to railroads or to capital or to corporate interests.

I do not refer to unreasonable clamor. I do not refer to that spirit of demagogism which would take the rostrum to array honorable and honest sentiment unjustly against capital or against men in all the forms of their activities and their successes. Not at all. I take no share in that. Legitimate enterprise must be respected and protected. Success in life is a goal at which we all are striving. They who reach it legitimately, under the providences of God, I bid enjoy it legitimately, and I will never raise the hand or the voice to injure or detract them.

It is not that; it is not passion; it is not impulse; it is a growing, deep-seated, well-founded, determined sentiment of a free people, who, for cause, insist that there should be somewhere found the power to restrain unrestrained and unlicensed corporate power. Why, sir, if there were no such demand, if there were no immediate cause for such demand, as we are in the habit of saying in the courts, on the very face of the papers, legislation in a conservative and reasonable spirit ought to be had upon this subject.

What are these corporations? We all know the reasons, the human instinct common perhaps to us all, that led men in England to find in the doctrine of uses a device whereby to escape laws enacted for their restraint. We know the craving of the human mind after perpetual enjoyment. We know what the doctrines of primogeniture and estates tail meant. We know they were abolished for reasons familiar to the whole country, in accordance with the spirit of our institutions, in every State in this Union. But we have lived to see the day in which another form of perpetuity has come to life—corporations which never die, corporations which live forever, and which do not fail—I do not discuss or reflect upon motive—to find advocates upon this floor, as upon the floor of every legislative body in this great country, ready to advocate any theory they put forward for the maintenance of their prerogatives, even in defiance of the interests of the public and of the powers of the state!

They never die. It is true that sometimes they "shuffle off this mortal coil," a receivership is established, a temporary proceeding resorted to, but it is only the process by which they put on immortality. One hundred and twenty-five thousand miles, some Senator stated today to be the length of the railroad tracks in this country. One hundred and twenty-five thousand miles was the statement of the mileage of railroads in this country some months ago. I saw last night the most recently tabulated statement, by companies and ownership, which I have met with anywhere, and it places the railroad mileage of the United States at something over 143,000 miles! It would reach nearly six times around this earth; and the capital invested in it, according to the statement of railroad authorities before your committees investigating these subjects recently, amounts to \$6,250,000,000—money enough if in unsevered national-currency notes to enable some mystic giant power

to take this world of ours in one hand and to wrap it and bind it thirty times around in greenbacks with the other.

Last year, according to the statement of Mr. Fink, who is said to be better informed on the subject than any other living man, these railroads collected in tariffs from the people of the United States \$700,000,000. I need not deal in exact figures. Turn to the gross receipts of your Treasury from all sources—direct taxes, internal revenue, imports, sales of public lands—take them all, and at least 30 per cent. more was collected from the American people by railroad corporations in one year, the last year, than the total amount from every quarter collected by the United States Government. And this has happened under a system which has grown up without an enactment of Congress to regulate or control it. How startling is the fact. You have had your tariff wars, your factional fights, and your battles of trade; your national conventions to pass upon questions of taxation; but over and above them all has stood the law to control every power. Freemen are always jealous of the power of taxation. The strongest sentiments of American citizenship surround and guard the power, which is confided to human hands, to take from the citizen a portion of his earnings for public purposes. No bill can be enacted by the other House, or by this, touching the tariff that does not attract the earnest attention of the people of this country; no discussion can be had touching the internal-revenue system or elements of taxation in any form without affecting and to some extent agitating a large number of people in every section of this great country.

And yet a transportation system has grown to proportions which dwarf every acknowledged measure of human enterprise; which involves over \$6,000,000,000 of invested capital; which carries over twelve billions of annual commercial values, and which drew from the people last year \$700,000,000 in freights and tariffs, and this without the let or the hindrance of a law to control this stupendous power or to give it direction for the public good.

The Senator from Ohio [Mr. SHERMAN] stated this morning that this was only the beginning of legislation on this subject. I would thank God, sir, to see it begin. The Senator says in the same connection that without legislation, without the exercise of the power and the performance of the duty imposed upon Congress by the Constitution of this country, the railroad corporations are supreme. Then, Mr. President, they are supreme, for no such legislation exists. Can the people intrust such power to mortal hands? It can not safely be.

Ye'll find mankind are unco weak
An' little to be trusted;
If self the wavering balance shake,
It's rarely right adjusted.

Let us check that supremacy. Let us bring this great power into subjection to law. Outside of an act passed a few years ago to require them to water and rest their cattle on the routes between the great West and the East, I believe Congress has never laid its finger on the transportation agencies of this great continent. It has been attempted over and over again, and it has as often failed. I had some familiarity with the history of attempted legislation on the subject as far back as the Forty-third Congress. An act passed the House of Representatives March 26, 1874, which established a commission. I have not been able to find any record of it in the Senate. I have not been able to find what I understand to have been a pending amendment when the bill was last heard from, but on inquiry I have found that the bill actually reached the Senate of the United States. If it ever got further than the portal I have no information on the subject. That was a commission bill. In the Forty-fourth Congress another bill was introduced—half a dozen of them. The bills pending in that Congress gave rise to what is recognized to-day as the Reagan bill. What is now known as the Reagan bill is not, however, the original bill, nor is it any one of the original bills. Again, in the Forty-fifth Congress a number of bills were introduced. Some of those bills provided for commissions; some presented the idea contained in the Reagan bill with other provisions added; some contained ideas that are not in either bill. What is now known as the Reagan bill was reported to Congress, passed the House, and came to this body as a substitute for the original bill which was prepared by some lawyer, I believe, in Buffalo, N. Y. That was the origin of the Reagan bill. It passed the House of Representatives of the Forty-fifth Congress, came to the Senate, was referred to the Committee on Commerce, and there it died.

In the present Congress, as we are all aware, the bill has again passed the House. This is the third time the House has responded to the popular demand for action on this important subject. The last bill is before us. It is substantially the Reagan bill except that those provisions which undertake to regulate the transportation of passengers and to fix specific rates of charges therefor are interpolations. They are no part or parcel either of the Reagan bill as it originally existed or of its scope or theory. It might not be proper under the rules of the Senate to state where they found their origin, but they were no part of the original Reagan bill and did not emanate from its author.

Now, Mr. President, I favor legislation on this great subject. I do not accept that plan of legislation which is embraced in the Senate bill. I have not quite been able to get into my head what our friends mean by such proposed legislation. The first idea I ever acquired of law I derived from Blackstone. I have studied a good many law-books in

the course of time, but I must express my surprise in the face of all I have been able to gather from the books when it is boldly asserted in the Senate of the United States that no enactment arising to the dignity of positive law can be made to reach this subject; that the subject is so great, so complex, so beyond the ordinary ken and ingenuity of common manhood, and the Senate so correspondingly ignorant, that there must be an invention, there must be a new device that will enable us to reach the object, and we are to have for the regulation of interstate commerce what Senatorial fertility of resource has denominated a "flexible law." Shades of departed lawgivers! explain to us by some process of inspiration what we are to understand by a "flexible law."

"Now you see it, and now you don't see it." I presume under the proposed flexible commission we are to go to these commissioners on Monday morning bright and early and ask them what the law is to-day. On Wednesday morning we go again and ask them what the law is that day, and on Saturday we may repeat the experiment. Mr. President, I mean no disrespect and no discourtesy to any Senator on this floor, but I have been unable to work myself up to any other conception than that a flexible law is a flexible absurdity.

Possibly the difficulty is met on the suggestion of the Senator from Arkansas [Mr. GARLAND], by striking out of the Senate bill all there was in it that was law of any kind and leaving it to establish a mere roving commission something after the fashion of our own committees, which we sent out a summer or two ago, the product of whose labors we have been discussing here for a month or more and with a likelihood of reaching similar practical results. If the Reagan bill be not a proper bill let it be defeated; but in so far as the Senate undertakes to deal with this great subject let it make law, let it make rule, let it enact something that will govern somebody somewhere, that somebody on earth can understand and know that he is bound by and must obey. Give us no "flexible" commission with "flexible" powers to mock the just demands of the public. Those demands are reasonable. They should find here a reasonable response.

Now a word or two about the provisions of the Reagan bill, and I shall not detain the Senate longer. The first section of the Reagan bill makes provision—

That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad or by pipe-line or lines from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, directly or indirectly, to charge to or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is by him or them charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same.

Equality of pay for equality of service—nothing more, nothing less. I desire to call the attention of Senators to one important consideration in connection with this very provision. I know more about the history of the origin of the Reagan bill than the proprietaries of this body under the rules which prohibit reference to occurrences in the other House perhaps will permit me to say. I am sufficiently familiar with the Reagan bill and its origin to know that it never was intended to regulate passenger rates, it never was designed to regulate freights, it was never a part of its purpose to control the charges and rates of transportation anywhere in this country for interstate commerce or commerce of any kind whatever.

It was intended—and mark the declaration—to take from the railroad corporations of this great country the power which has been appropriated by them to regulate interstate commerce for the people. That was the design, that was the purpose of the Reagan bill, and I defy any gentleman anywhere to give it with propriety any wider scope or range. It has been misrepresented. It has been advertised as a dangerous meddling with the details of railroad affairs. It does nothing of the kind. It was never intended to do it. It is, I repeat, a resumption by Congress of a power to regulate interstate commerce which the Constitution confers upon Congress, and which the railroads have usurped and absorbed.

Why, sir, I am told that the rule of equality of pay for equality of service, provided by this section, may prevent a railroad company from opening markets to the products of this country that otherwise they can not reach. Some man will want to carry his lumber from Michigan to New York, they tell us. The railroad company fixes a tariff—makes it, in the language of Mr. Fink—all it will bear to carry that lumber to New York for consumption within our own boundaries. Some other gentleman associates with some Englishman or some Frenchman or some German or somebody somewhere for the shipment of lumber abroad to come in competition with foreign productions. It is all well enough for Mr. Fink in his testimony to state that if you require equality of service for equality of pay from the railroads you deprive the railroad company of the opportunity to make reductions in behalf of the foreign shipper in order to enable him to carry American commerce to the remotest corners of the earth; but I beg politely to inform that intelligent gentleman that that is no part of the functions of a railroad corporation organized by the invocation of the sovereign power of eminent domain, a power which belongs to the whole people, to be exercised only for the public good, and in whose benefits, in whatever form, those people are entitled equally and on equal terms to share. The very illustration given is the regulation of commerce with foreign nations. The

railroad company gives one shipper, with his foreign associates, terms which it denies to another. It thereby says to one that he may, and to the other that he may not, engage in foreign commerce. This is a power which the Constitution was designed to deny to the States and to confer exclusively on Congress, and which Congress can not, with decent regard to its commonest obligations to the public, abrogate in favor of the roads.

Sitting here to-day and for weeks I have failed as yet to hear submitted to the Senate by any Senator who has assaulted that clause of this bill an illustration of the hardship it will do to the railroad interests of the country which was not at the same time an illustration of the regulation by the railroads of commerce between this and foreign countries or between the States of this Union.

Take the case the Senator from Ohio [Mr. SHERMAN] uses as an illustration. The people of the great West, citizens of Chicago, or grain-dealers there, want to ship their grain to New York. The railroads fix a rate. Under this first clause the same rate must be charged to all persons for similar service.

In a common carrier, conducting a business affecting the public, with every element of power embraced in his charter, his very existence drawn equally from the people, the head and front and source of all power, this would strike the average conscience as a fair and reasonable requirement. But without this section, in the absence of this requirement, the road may give a living rate to one shipper and deny it to another, thus opening to one and closing to the other the great markets of the East. Why, Mr. President, the Legislature of New York can not do it. The Legislature of Illinois can not do it. All the Legislatures in the country can not do it, and its arbitrary achievement by the railroad companies is simply and boldly an arbitrary usurpation of the powers of Congress over commerce among the several States.

The second proposition of this bill is simply:

Sec. 2. That it shall be an unlawful act for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

That means exactly what the first section means, nothing more and nothing less. You shall not collect in the first instance unequally, you shall collect equally for equality of service, and having collected it, and by collecting it complied with the terms of the first section of this act, you shall not evade the law by handing half of it back. There is no possibility of a difference in the principle of the two provisions. The third clause is:

Sec. 3. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads.

That only means that this law provides against its own evasion:

And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

I may not understand what pooling freights means. I have read a great deal about it; I have read what everybody who has testified before any of the committees has said about it. The Senator from Kentucky [Mr. BECK] reminds me that the State of New York does not allow pooling, even between ten canal-boatmen. It seems to me to be a plain proposition that a pooling of freights as between competing railroad lines—and that process never happens as between any others—is nothing more, was intended to be nothing more, and can in the nature of the transaction be nothing more than a combination to destroy competition as between carriers which may bring down the price of their services to the public to the ordinary level of supply and demand.

Mr. President, bearing in mind what this law means, divesting it of the mystery which has been made to surround it, and believing that it is right and proper that the people whose great commerce is transported, over 80 per cent. of it, now by rail should have the benefit in the handling of that great mass of material, of such competition as railroads have created, as railroad men have created by their voluntary investment in railroad enterprises, I have favored and defended this proposition in the interest of American commerce.

The fourth section is as follows:

Sec. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter, on any one railroad or pipe-line; and the road of a corporation shall include all the road or pipe-line in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

Here, Mr. President, is the bone of contention. It has made more controversy, has excited more hostility among railroad men, and, in my humble judgment, developed to higher degree the genius of invention in the attempt to cripple and destroy it, than any forty bills which have been presented to Congress in as many years.

In discussing this section of the bill I desire to present two propositions. One is the propriety of the section as it stands. The other is

the impropriety of denouncing it upon a forced or false construction. Its enemies, instead of enabling its friends to perfect it and reach its object if it does not already do it, have entertained the Senate for two weeks and more by pointing out its anomalies and in my mind the exceptional illustrations of its effects. Here is the open declaration that under all circumstances the railroads are to be the judges of the propriety of charging a man as much for hauling a car-load four miles as they charge for four thousand. It is true they have already that power and it is true that this bill does not attempt to deprive them of it.

Under this bill they are not denied the power to charge as much for a short as for a longer distance, but the service being similar they can not charge more. Thus, as the first section requires equality of treatment as between individuals, this section at least limits the power of discrimination as between sections. Now, Mr. President, I make of this section an observation equally applicable to every clause of this bill—it is born of the injustice and wrong visited upon helpless people whose position has made them dependent upon single lines of road. It is no secret in this body, nor in this country, nor indeed has it been denied before your committees that in numberless instances discriminations so harsh and so merciless have been visited upon local traffic that through freights, where competition has effected reductions, have been carried for less than cost.

Mr. President, what does this mean? I repeat, sir, what does this mean? It means that in the handling of interstate commerce and imposing tariffs for its carriage in numberless instances one section by its helpless condition has been made to bear the burden of its own transportation and likewise that of the more favored locality. And to return to the illustration offered by the Senator from Ohio [Mr. SHERMAN]: If freight be carried from Chicago to New York at a given price, and from a point on the same line half the distance from New York a larger compensation be charged, what is this but a tax on the intermediate shipment in the interest of the Chicago shipper? But the Chicago shipper does not get the benefit of it in the end, because his wheat has already reached him from various intermediate stations in all the sections of country which feed his granaries and it has already borne the exactions. Grain in its very nature comes from the country stations.

It can not escape somewhere the heavy hand of the local rate, and thus, while before it reaches the consumer it has been taxed all it will bear, it has itself in the process of transportation been successively the victim and the beneficiary of local and of through rates. But the most serious aspect of the whole question, to my mind, is the utter, helpless, hopeless dependence of this commodity of interstate exchange upon the railroads for the exercise of a function for which it has a right under the Constitution to look to Congress. Who will deny, who can deny that in the absence of this section of the bill railroad tariffs may be so adjusted as to drive from a market a producer a hundred miles away, and surrender it in monopoly to another who is a thousand?

Who will deny that by the discriminations which this section at least in a measure prohibits the products of one locality or of one State may be landed in the market on the seashore at one tariff, and those of another three or ten times the distance away be brought there for a third the amount. And show me the genius who can devise a more effective method of controlling, regulating, making, or unmaking the interstate commerce of this country. This, with the other sections of this bill, is intended to divest the railroads of their power over the interstate commerce of the country, and relegate them to the legitimate performance of their functions as carriers for reasonable compensation according to supply and demand. It is intended to deny to the railroads the right to say to one citizen or one section, "I will build you up;" to another, "I will tear you down;" to one operator, "You may mine coal and live;" and to another, "You may mine and starve;" to one lumberman, "You may saw your logs and ship the product and sell it and thrive;" and to another, "You may saw yours, and it shall lie and rot in your yards." It is intended, in a word, and it undertakes no more, to divest the corporations of the power to take bodily possession of the business of the country and adapt that business to their own pursuits. My colleague [Mr. CAMDEN] in presenting his views of this feature of the bill to the Senate has employed the following vigorous and practical language:

There can be no more reason for a railroad charging more for half the labor than for twice the amount of labor than there would be for any other interest governed by the rules affected by machinery and labor, or than there would be for charging more for making one plow than for making two plows, or for a cart to charge more for carrying a load half a mile than it would for a mile over the same road; or for a hod-carrier to charge more to carry brick to the first story of a house than he would to carry the same brick to the second story over the same ladder by which he reached the first story. The cost of transportation to a railroad is measured by the wear and tear of the road and equipment and the expenses per mile for fuel and labor in moving the train; and there is no theory that I have ever seen advanced that satisfies my mind that these physical conditions are varied to any great extent per mile in proportion to the distance.

I am, therefore, fully persuaded that this is a wise provision.

The next section of the bill, Mr. President, is that which requires a schedule of rates to be posted open to general inspection and accessible to the public. The schedule is not allowed to be changed except upon five days' notice, with a pending proposition to allow it to be reduced at any time without notice. This suggestion is made to meet the ob-

jection that water lines might make sudden reductions, and the railroad, obliged to give five days' notice of a change, might be in the mean time seriously affected by its more fortunate rival for the trade. No harm can come from the reduction without the five days' notice otherwise provided for, but in the interest of fairness the fact of the reduction should be duly posted. If the general theory of the bill be defensible, this schedule is eminently so. It is simply the sentinel standing constant guard over the provisions and requirements of the bill to point the finger of exposure to their violation.

On the subject of the carriage of passengers I do not know whether the motion has been voted on to strike out the provision or not. I intended to vote to strike it out, and I shall certainly do so now if I have the opportunity. It is no part of the original scheme and purpose of the bill to regulate the price of carrying a man, woman, or child, or one ounce or pound of freight. The only limitation in it is the limitation of the price of the shorter to the price of a longer distance, and that is not to regulate the amount, not to regulate the value, not to affect the price, but to affect the relationship as between similar services rendered for shorter distances as against longer ones. The provisions of the bill which I have not discussed relate to penalties and the various features looking to remedies.

Mr. MAXEY. Will the Senator allow me?

Mr. KENNA. Certainly.

Mr. MAXEY. I wish to place on record somewhere the fact that the friends of the Reagan bill, without exception, voted against the clause fixing the rate of fare for the transportation of persons, and the provision was left as it is in the bill by the votes of the opponents of the bill.

The PRESIDENT *pro tempore*. The Senator from Texas, the Chair thinks, can not allude to the votes of any other body.

Mr. MAXEY. I am not alluding to anything except what took place in Committee of the Whole.

The PRESIDENT *pro tempore*. The Senator is quite in order then.

Mr. MAXEY. I thought I was. The Senator from Kentucky gave notice that he would call for a vote on that proposition when we got back into the Senate, so that we shall still have an opportunity of proving our faith by our works, and all who have said recently they will vote to strike that out can put their votes on record when we come back to the Senate.

Mr. BECK. I am not a very good parliamentarian, but I am afraid if the substitute offered by the Railroad Committee of the Senate is voted on in place of the House bill, I shall never be able to get that amendment into the Senate. I do not know how that is, but I am afraid that will be the way it will work. Therefore I am going to endeavor to move to strike out that part of it about the 3 cents a mile before the substitute comes to a vote.

Mr. ALLISON. I wish to call the attention of the Senator from Kentucky to the fact that he embodied in his amendment many more things than that clause relating to the charge per mile.

Mr. BECK. I did in the first instance, and therefore I give notice now that I will again endeavor to test that three-cents-a-mile provision for fear I may not get a chance in the Senate.

Mr. ALLISON. There will be no trouble about testing it.

Mr. KENNA. I have no doubt, apart from the fact that that provision of the Reagan bill is a departure from the original design of the bill itself, any gentleman will see the great injustice of the operation of it.

Mr. BECK. Allow me one word. If the amendment that I offered had carried—and it was lost by one vote only—it would have left the Reagan bill just as it was presented by the Senator from West Virginia when he was in the House, or when he was supporting Judge REAGAN in the presentation of it. They are both very familiar with the whole subject.

Mr. KENNA. And this diversion brings me to make an observation that I think is due to the spirit of the occasion. It was never designed by Judge REAGAN, as I have said, that this bill should regulate rates, that it should take hold of the business of railroads and manage it. It was intended to be moderate, conservative, and reasonable. I know that great and good old man. I have known him for years. I know his great capacity, and I know his great honesty and his great sense of fairness and of justice.

I know that there is not a human being on this continent who would be more loath than he to do violence or injustice even to a great corporation. This bill was never designed, I repeat, to fix the rates of the railroads in the management of their business, but as a restoration to Congress of its own appropriate power conferred upon it by the Constitution of the country to regulate the interstate commerce of 50,000,000 of freemen—that and no more. If any Senator will point out a manner by which the object can be better accomplished by other words than those which are employed, I for one will cheerfully support it. I deny that it has been suggested.

What the Senator from Texas says about voting on the amendment of the Senator from Kentucky to strike out the 3-cent clause brings forcibly to mind the attitude of the Senator from Ohio [Mr. SHERMAN] upon this subject. A half hour was spent by him discussing the "anomalous" provision of that part of the bill which gives jurisdiction

to the State courts covered by the two simple words "or State." With the power on this floor which we have seen exhibited—sufficient at any moment to do with the bill as it pleases—it was easy at any time to strike out these two simple words and free the subject from all the embarrassment that an hour was taken to exhibit. Not a motion was made, not an effort to perfect or improve the measure, but a disposition all along the line, both actively and passively, to let it die the death.

Sir, it may die; I have no doubt it will die; I regard it as practically dead now, but I have made these observations upon it in order that I may be regarded as in at the funeral, and if I mistake not the temper of the American people on this great subject I shall be likewise in at its resurrection.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. BECK].

Mr. BECK. The yeas and nays were called for, I think. If not, I call for them now.

The yeas and nays were ordered.

Mr. HARRISON. I ask that the amendment be read again.

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

The CHIEF CLERK. In section 5, line 26, after the word "substituted," it is proposed to insert:

Provided, That there may be a reduction of rates prior to the posting of such new schedule, but in such case the new schedule shall be posted as aforesaid within five days after such reduction shall be made, and said schedule shall also specify the date at which the reduction commenced.

Mr. BECK. The only purpose of this amendment is to obviate what the railroads complain of as a very serious difficulty in the House bill, if it stands unamended—that is, that unless the amendment prevails they can not make a change of rates in less than five days. They say that they may be in competition with railroads which are not embraced in the provisions of this bill, that they may be in competition with water ways not embraced in any bill, and that their competitors may reduce their rates and thereby take their business, while by an iron rule they would be unable to meet them for five days.

I have offered this amendment so as to allow them, if that condition of things occurs, to reduce their rates without notice, so that they shall not be embarrassed by the action of any competitor—to reduce them to everybody equally of course, to reduce them in accordance with the other provisions of the bill.

It is well known that every shipper of goods has to ascertain, before he knows what he can pay the producer, what it will cost him to transport those goods to the place where he expects to find a market; and there ought to be some stability in that regard so that he will not, if he has purchased his goods and is ready to start them, find the schedule double or treble or quadruple what the rates were when he made the purchase, which would change his venture from a profit to a loss.

But if the railroad finds itself with a competitor cutting under it, it is allowed to reduce its rates, neither hurting the shipper nor the producer, but in fact it is a benefit to both; and if it is a benefit to the railroads I desire to give the railroads that benefit. That is all there is in the amendment.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. Not knowing how he would vote on this amendment, I withhold my vote.

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

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

The roll-call was concluded.

Mr. KENNA. I was paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] being absent, I transfer the pair to him and vote "yea."

Mr. GARLAND. Then I am at liberty to vote, and I vote "yea." Mr. CAMERON, of Wisconsin (after having voted in the negative). The Senator from Mississippi [Mr. GEORGE] is absent from the city. I am paired with him for to-day. I was not aware when I voted that he was absent. I withdraw my vote.

Mr. PLUMB. I am paired with the Senator from Louisiana [Mr. GIBSON].

The result was announced—yeas 46, nays 7; as follows:

YEAS—46.

Allison,	Fair,	Jones of Nevada,	Platt,
Bayard,	Frye,	Kenna,	Pugh,
Beck,	Garland,	McMillan,	Sawyer,
Butler,	Groome,	McPherson,	Sherman,
Call,	Hampton,	Mahone,	Slater,
Cockrell,	Harris,	Manderson,	Vance,
Coke,	Harrison,	Maxey,	Van Wyck,
Colquitt,	Hoar,	Miller of Cal.,	Vest,
Conger,	Ingalls,	Miller of N. Y.,	Voorhees,
Cullom,	Jackson,	Morrill,	Williams,
Dolph,	Jonas,	Pendleton,	
Edmunds,	Jones of Florida,	Pike,	

NAYS—7.

Chace, Hawley,	Lapham, Mitchell,	Morgan, Sewell,	Wilson.
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ABSENT—23.

Aldrich, Blair, Bowen, Brown, Camden, Cameron of Pa.,	Cameron of Wis., Dawes, Farley, George, Gibson, Gorman,	Hale, Hill, Lamar, Logan, Palmer, Plumb,	Ransom, Riddleberger, Sabin, Saulsbury, Walker.
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So the amendment was agreed to.

Mr. BECK. I believe it is in order to go back to section 1. If so, I desire to move an amendment, after the word "discrimination," in line 27, to strike out down to and including the word "person," in line 31, being these words:

Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

I desire to avoid that question if I can by moving to strike out those words.

The PRESIDING OFFICER (Mr. MORRILL in the chair). The question is on the amendment proposed by the Senator from Kentucky, which will be read by the Secretary.

The CHIEF CLERK. In line 27 of section 1, after the word "discrimination," it is proposed to strike out all down to and including the word "person," in line 31, as follows:

Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

Mr. BECK. I simply desire to strike that clause out. It was no part of the original proposition of the friends of the bill; and there may be places such as the Saint Louis bridge where that limit would be regarded as wrong. And as the Senator from Alabama [Mr. PUGH] and others seem to have some constitutional scruples in regard to our power over that question, I do not care to have the House bill encumbered by anything that any one has any doubt about.

The amendment was agreed to.

Mr. INGALLS. Mr. President, in section 1 of the bill, in lines 24, 25, 26, and 27, I move to strike out all after the word "color," in line 24, down to and including the word "discrimination," in line 27, and on the motion to strike out I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are called for on the amendment of the Senator from Kansas, which will be read.

The CHIEF CLERK. The words to be stricken out are, in section 1, after the word "color," in line 24, to the word "discrimination," in line 27, as follows: "and that furnishing separate accommodations, with equal facilities and equal comforts, at the same charges, shall not be considered a discrimination."

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

Mr. CAMERON, of Wisconsin (when his name was called). I am paired on this question with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

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

Mr. PLUMB (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN]. If he were here, I should vote "nay" on this amendment.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BECK (after having voted in the affirmative). I intended to vote "nay," but I am recorded "yea" by mistake. I am paired with the Senator from Maine [Mr. HALE] and his colleague [Mr. FRYE] advised me that upon this question Mr. HALE would vote "yea," and as I would vote "nay" I withdraw my vote, being paired.

Mr. SAWYER. I am paired with the Senator from Oregon [Mr. SLATER]. I do not know how he would vote, and therefore I withhold my vote. I should vote "yea" if he were here.

The result was announced—yeas 34, nays 17; as follows:

YEAS—34.

Aldrich, Allison, Blair, Bowen, Butler, Chace, Conger, Cullom, Dawes,	Dolph, Edmunds, Fair, Frye, Harrison, Hawley, Hoar, Ingalls, Jackson, Jonas, Lapham,	Jones of Nevada, Lapham, McMillan, Mahone, Manderson, Miller of N. Y., Morrill, Pike,	Platt, Sabin, Sewell, Sherman, Van Wyck, Voorhees, Wilson.
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NAYS—17.

Bayard, Call, Cockrell, Coke, Groome,	Hampton, Harris, Jonas, Jones of Florida, Kenna,	McPherson, Maxey, Morgan, Pendleton, Pugh,	Vance, Vest.
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ABSENT—25.

Beck, Brown, Camden, Cameron of Pa., Cameron of Wis., Colquitt, Farley,	Garland, George, Gibson, Gorman, Hale, Hill, Lamar,	Logan, Miller of Cal., Palmer, Plumb, Ransom, Riddleberger, Saulsbury,	Sawyer, Slater, Walker, Williams.
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So the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the substitution of the amendment proposed by the Senator from Illinois [Mr. CULLOM] for the House bill.

Mr. WILSON. I desire to offer an amendment to be added to the amendment of the Senator from Kentucky which was adopted to the House bill. It is to come in at the end of the amendment adopted on his motion. His amendment applies to line 26 of section 5, on page 5. I move to add:

And such reduction of rates shall be granted to all persons without discrimination prior to as well as after the posting of said schedule.

I wish to say in explanation of the proposed amendment that under the operation of the amendment adopted on the motion of the Senator from Kentucky discriminations between shippers would be directly authorized, and in this way: Suppose that A should purchase a stock of goods in New York to be shipped to Lexington, Mo. The rate is a dollar a hundred. To-morrow B purchases a like stock of goods to ship to the same point. Under the operation of the amendment of the Senator from Kentucky a rate of 50 cents per hundred may be given to B; and that discrimination in favor of B against A would be authorized by that amendment unless the one I propose shall be added to it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. WILSON] to the bill.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Illinois [Mr. CULLOM] as a substitute for the House bill.

Mr. CULLOM. I ask for the yeas and nays on that amendment.

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

Mr. CAMERON, of Wisconsin (when his name was called). On this question I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, and I were at liberty to vote, I should vote "yea."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. GIBSON].

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN]. If he were here, I should vote "nay."

Mr. SAWYER (when his name was called). I am paired on this question with the Senator from Oregon [Mr. SLATER].

The roll-call was concluded.

Mr. BECK (after having voted in the negative). I am paired, as I am reminded, with the Senator from Maine [Mr. HALE], and I withdraw my vote.

Mr. RIDDLEBERGER. I have been paired on the two bills with the Senator from Arkansas [Mr. WALKER], as has been before announced. I agreed within the last hour to have that pair transferred to the Senator from Colorado [Mr. BOWEN]. Therefore I vote "yea."

Mr. CALL (after having voted in the negative). I had agreed to pair with the Senator from Georgia [Mr. BROWN]. I ask leave, therefore, to withdraw my vote. If he were here, I should vote "yea" and he would vote "nay."

The PRESIDING OFFICER. If there be no objection, the vote of the Senator from Florida will be withdrawn.

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Arkansas [Mr. GARLAND].

The result was announced—yeas 34, nays 18; as follows:

YEAS—34.

Aldrich, Allison, Blair, Chace, Colquitt, Cullom, Dawes, Dolph, Frye,	Hampton, Harrison, Hawley, Hoar, Ingalls, Jackson, Jonas, Jones of Nevada, Lapham,	McMillan, McPherson, Mahone, Miller of Cal., Miller of N. Y., Mitchell, Morgan, Morrill, Pike,	Platt, Pugh, Riddleberger, Sabin, Sewell, Sherman, Wilson.
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NAYS—18.

Bayard, Butler, Cockrell, Coke, Edmunds,	Fair, Groome, Farris, Jones of Florida, Kenna,	Lamar, Manderson, Maxey, Pendleton, Vance,	Van Wyck, Vest, Voorhees.
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ABSENT—24.

Beck, Bowen, Brown, Call, Camden, Cameron of Pa.,	Cameron of Wis., Conger, Farley, Garland, George, Gibson,	Gorman, Hale, Hill, Logan, Palmer, Plumb,	Ransom, Saulsbury, Sawyer, Slater, Walker, Williams.
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While the result of the vote was being announced, Mr. CONGER addressed the Chair.

The result having been announced, Mr. CONGER. I wish to know if my name is recorded. The PRESIDENT *pro tempore*. The name of the Senator from Michigan is not recorded.

Mr. CONGER. I vote "yea."

The PRESIDENT *pro tempore*. The Senator rose before the Chair announced the result. The Chair will have his vote recorded though the Chair has made the announcement. The yeas are 35 and the nays 18. The amendment is agreed to.

Mr. BOWEN. I was requested by my colleague [Mr. HILL] to announce his pair with the Senator from Delaware [Mr. SAULSBURY], but I was not in at the time the vote was taken.

Mr. SEWELL. I desire to offer an amendment, adding a new section.

The PRESIDENT *pro tempore*. The Senator from New Jersey proposes an amendment. Does it apply to the original House bill or to the substitute adopted?

Mr. SEWELL. To the substitute.

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

The CHIEF CLERK. It is proposed to add, as a new section:

Sec. 15. That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from points in the United States through the Dominion of Canada to tide water, or to tide water or other points within the United States.

Mr. SEWELL. I suppose it is hardly necessary to make an explanation of the amendment. It is intended to cover transportation routes going through Canada for merchandise between points in the United States. It may be that the matter is covered before, but it will not hurt to have this provision put in. We certainly ought to place Canadian lines on the same footing with our own.

Mr. HOAR. I should like to ask the Senator if the language would not include transportation down the Saint Lawrence River.

Mr. SEWELL. It alludes to transportation that originates on the lakes, and is delivered to Portland, in Maine.

Mr. HOAR. And does not relate to exclusively water transportation?

Mr. SEWELL. No.

Mr. HOAR. Then let it be read again.

Mr. SEWELL. The bill as it now stands regulates water transportation when in connection with railway transportation.

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

The Chief Clerk read the amendment of Mr. SEWELL.

Mr. INGALLS. I ask the Senator from New Jersey how that would affect a road like the Grand Trunk, which has both its termini in the territory of the United States, Chicago being its western terminus, and Portland, Me., its eastern?

Mr. SEWELL. I will say to the Senator from Kansas that I drew the amendment with special reference to such roads, so that they shall come under the provisions of our laws, and have our laws applied to them.

Mr. INGALLS. There ought to be some limitation as to the tide-water points. If the terminus of a road is at tide water in the United States, that is one thing; if it is in Canada or Nova Scotia it is another.

Mr. SEWELL. Why should we not apply the same rule to that conveyed from their tide water that we do to our own?

Mr. INGALLS. How we can make a law of Congress operative in Canada, is really past my comprehension.

Mr. SEWELL. If the point of shipment is in our territory why should we not apply our law to it? The Grand Trunk does business in this country by permission of an act of Congress. It could not do it possibly except for the special permission in relation to the transfer of goods through the territory of Canada.

Mr. INGALLS. Very true; but this bill not only affects transportation between terminal points, but it affects transportation between local points. How you propose to apply the provisions of this bill to a road like the Grand Trunk and compel it to contract under its provisions from Chicago to a point in Canada, or from Portland going west to a point in Canada, I can not comprehend.

Mr. SEWELL. There is no intention to apply it to any local point. It will apply to freight carried from points in the United States to their tide water. It does not apply to local points at all.

Mr. CONGER. If this provision relates to water transportation on the lakes of freight that goes by rail to Chicago or Milwaukee or Detroit, whether the terminus of the water transportation is Buffalo or Erie or Cleveland or through the Welland Canal to Oswego or Ogdensburg or to the mouth of the Saint Lawrence, we might as well give up all protection to lake transportation by water. No such provisions as would apply to railroads can by any possibility be applied to water transportation on our great lakes without destroying the whole water transportation.

Mr. SEWELL. The Senator will permit me to ask if he does not understand that the bill applies to water transportation?

Mr. CONGER. I understand it; but there are pending amendments which I offered to strike out, in sections 12 and 13, whatever refers to water transportation. No one should vote hastily on this. He should consider how the passage of this bill, as applied to water routes on the

great lakes, will destroy all water transportation and water communication and vessel property. No boat going upon the great lakes, on the common highway of the world, can be subject to the provisions of this bill as to freights being a carrier in common with railroads of freights from the Northwestern States to Duluth, and from there down the lakes or to Chicago or any other place. It is impossible to apply these rules and hold the carriers by water subject to these provisions without destroying the entire water transportation of the lakes and making those great expanses of the North a perfect wilderness so far as fleets are concerned.

I think it would be well for those who represent the carrying interest of products all around the lakes to pause before they vote for a proposition of this kind. There is pending, I believe, a motion to amend in two of the places, and the only two where water routes are mentioned in the bill, sections 12 and 13, if I have the numbers right, by striking out the reference to lake and water transportation.

Mr. SEWELL. My amendment can be adopted and then the Senator from Michigan can test the sense of the Senate on his amendment.

Mr. CONGER. So far as I am concerned, coming from the region of the great lakes, and representing as far as I may the vast interests connected with water transportation, which is the only security that can exist and does exist against excessive railroad charges, I am opposed to extending the terms of this bill to water transportation. When at the Straits of Mackinaw the passage is dammed up, there is at once an increase of from 15 to 45 per cent. in the cost of transporting the productions of the West, and so it remains until the summer's sun removes the obstacle. Now it is proposed to put each man that runs his barge or his boat, if he carries products which have come from inland, under the force of this law; to make every carrier on the lakes subject to the same provisions; and I say, without fear of contradiction, that it will destroy the commerce upon the lakes, and make vessel property, which has now been reduced in value to the lowest point where it can be run and pay expenses, utterly worthless, and it will put the whole Northwest at the mercy of the railroad companies. I can not vote for it upon any possible supposition that it may hereafter be changed without voting in direct disregard of the interests of my people.

Mr. INGALLS. I move to amend the amendment by striking out after the word "Canada" the words "to tide water or."

Mr. CAMERON, of Wisconsin. How will it then read?

Mr. INGALLS. My amendment is to strike out the words "to tide water or" after "Canada."

The PRESIDENT *pro tempore*. The Senator from Kansas proposes to amend the amendment of the Senator from New Jersey as will now be stated.

The CHIEF CLERK. In line 4 of the amendment it is proposed to strike out the words "to tide water or;" so as to read:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from points in the United States through the Dominion of Canada to tide water or other points within the United States.

Mr. SEWELL. The effect of that amendment would be to secure a transportation line to tide water in Canada, in competition with all the lines in the United States, without coming under the provisions of this act, although the freight originated in the territory of the United States. You would give a free-lance in transportation to Canadian lines, and bind ours up.

Mr. CONGER. The railroad companies who have connecting lines running through Canada or across Canada west from Buffalo, and the Falls, are not Canadian companies, neither east nor west of the lakes or in Canada. The Grand Trunk company from Chicago to Port Huron is an organization chartered within the United States. It has a running connection with the Grand Trunk company of Canada. The company running from Portland to Island Pond in connection with the Grand Trunk has its own separate organization and name in Maine, New Hampshire, and Vermont; not a Canadian company at all, in charter or in control, though that it may be leased by or have running connection with the Grand Trunk of Canada. So far as the bill will apply as a law to railroads in the United States, it will apply to these companies as much as to any others.

Now, if it is claimed that by any process whatever we can exercise jurisdiction on any of the Canadian roads proper inside the Canadian territorial jurisdiction, I have yet to hear it claimed. I think no one will be foolish enough to assert that.

Mr. SEWELL. The Senator from Michigan will allow me to say that if it was not for an act of Congress or for certain regulations under an act of Congress allowing goods to be transported from the United States through Canada without having the cars unlocked, without having every package opened and examined, the roads in Canada would not be carrying American freights.

Mr. CONGER. We allow goods to pass in bond across our territory from China. Goods pass clear through the United States to England in bond, not examined, no duties paid. From New York goods pass through Canada into Michigan, then they pass by rail through Indiana and Illinois into Minnesota, and through Minnesota to Emerson and Saint Vincent on their way to Manitoba; and in the same way through the United States, through Canada, through the Northwestern States,

and into Canada again. If the Senator thinks that by any customs regulations we are to prevent the passage of products of the Northwest by the shortest and best route for New York and New England, that we are to legislate against the producers of every Northwestern State, as well as of every Eastern State, I am not with him in that class of legislation; and I do not wonder that those who are in the interest of the Southern routes should do, as was attempted in the House some years ago, bring in adverse legislation to the cheapest and most convenient routes of the producers of Michigan, Northern Indiana, Northern Illinois, all of Wisconsin, all of Minnesota, the northern part of Iowa, and a portion of Kansas. It was attempted to do that by adverse legislation to the use of roads passing through Canada. It met with opposition from every board of trade from away down East to Saint Paul, and all around the lakes; and this is another attempt in the same direction.

Mr. President, I had, as I supposed, pending on the Senate bill an amendment which I have marked here, to strike out in section 12 in the third line the words "and water" where it says:

That the route of any transportation company engaged in interstate commerce shall include all the railroad and water routes in use by such company.

I understand that to be pending, and before the last vote was taken I was called out for a moment, and had only time to get in and secure my vote by extra exertion. I had also pending another amendment in line 12 of section 12, to strike out the words "and partly by vessel" after the words "or partly by rail;" also in section 13, line 5, to strike out "or any vessel or vessels, in whole or in part;" in line 7 of section 13 to strike out "or any vessel or vessels," and in line 11 to strike out "and partly by water."

The PRESIDENT *pro tempore*. The Chair will state that under the rules and practice of the Senate no amendment is pending except that which is offered in order; and of course the Senator understands that there can be only two amendments pending at a time. All amendments that are given notice of by Senators have to be offered when the opportunity arises for proposing them. The Chair therefore thinks that the amendment proposed by the Senator from Illinois [Mr. CULLOM] was proper to be voted upon because no further amendment to that amendment had been offered.

Mr. CONGER. But these amendments of mine were offered—I say it with all due submission—to the bill, and were pending at the time the motion was made to substitute.

The PRESIDENT *pro tempore*. The Chair thinks there was a notice of an intention to propose them. That was in accordance with the practice of the Senate. They could not be offered and pending because only one amendment and an amendment to that amendment can be pending at the same time.

Mr. FRYE. There is nothing to prevent the Senator from offering them in the proper time now after this amendment is disposed of.

The PRESIDENT *pro tempore*. That depends on the question whether it is a motion to strike out what the Senate in Committee of the Whole has agreed to. If it is a motion to strike out what has been agreed to, it would not be in order until the bill comes into the Senate.

Mr. FRYE. He can do it then.

Mr. CONGER. There will be an opportunity in the Senate, as I understand.

The PRESIDENT *pro tempore*. When the bill shall be reported to the Senate the bill will be again at large, and every amendment the Senator from Michigan desires can then be offered.

Mr. CONGER. Then I make this statement to show the Senator from New Jersey that the provisions which are already in the bill may or may not be advisable. Is there any amendment pending, Mr. President—I mean any amendment in the second degree; any amendment to the amendment of the Senator from New Jersey?

The PRESIDENT *pro tempore*. There is one amendment to the amendment of the Senator from New Jersey pending, that offered by the Senator from Kansas [Mr. INGALLS]. The question is on the amendment proposed by the Senator from Kansas to the amendment of the Senator from New Jersey.

Mr. PLUMB. I wish to suggest an amendment which, while not now strictly in order, I am in hopes my colleague will accept in lieu of his.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] asks to have read an amendment which he desires his colleague [Mr. INGALLS] to accept. If there be no objection, the proposed amendment will be read.

The CHIEF CLERK. In line 3 of the amendment of Mr. SEWELL, after the word "freight," it is proposed to insert:

From any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States.

Mr. PLUMB. I think the words of limitation which the Senator from New Jersey has in his amendment referring to tide water as the objective point would prevent the realization of the expectation which he has in view.

Mr. SEWELL. I will say that I have no objection to the amendment the Senator from Kansas [Mr. PLUMB] suggests. If the other Senator from Kansas [Mr. INGALLS] will accept it I shall agree to it.

Mr. PLUMB. Montreal is the place of shipment for wheat, pork, and other articles coming from the West, and that is above tide water, and the point in Canada opposite Port Huron at which the Grand Trunk Railway terminates is also away from tide water. My amendment would also cover shipments into Mexico, and all transactions of any kind originating in the United States should be railroad transportation within the limits of the United States, which we have a perfect right to regulate under our power to control and regulate foreign and interstate commerce. So whether the shipments are made from a point in the United States to a point in Canada, or from the United States to a point in Mexico, or from a point in the United States through the Dominion of Canada to Chicago or Port Huron, or any point in the United States beyond the Dominion of Canada, this provision would cover it.

Mr. INGALLS. Permit me to ask my colleague if this language would not also cover water transportation from this country to England by ocean?

Mr. PLUMB. It would if this bill is designed to cover water transportation.

Mr. INGALLS. But the language of the amendment offered by the Senator from New Jersey is:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies.

That, of course, is the most comprehensive language that could be employed. It does cover water transportation, and therefore the language that my colleague employs, it appears to me, would cover ocean transportation.

Mr. PLUMB. Very well; that can easily be obviated by providing that it shall not apply to transportation wholly by water.

Mr. INGALLS. I think the differences of opinion on this question show the necessity of a commission more than we have ever known before. I withdraw my amendment and will accept the suggestion offered by my colleague. I am convinced that the one I offered will not carry out the design that I desired to accomplish.

The PRESIDENT *pro tempore*. The Senator from Kansas on the left of the Chair [Mr. INGALLS] withdraws his amendment. The Senator from Kansas in front of the Chair [Mr. PLUMB] offers an amendment, which will be again read.

The CHIEF CLERK. After the word "freight," in line 3 of the amendment of Mr. SEWELL, it is proposed to strike out the following words:

From points in the United States through the Dominion of Canada to tide water, or to tide water or other points within the United States.

And insert in lieu thereof:

From any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States.

So that the proposed section will read:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States.

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

Mr. PLUMB. If this is to be opposed on the ground that it covers ocean transportation, about which I express no opinion, believing myself that the scope of this bill relates entirely to railroad transportation, I will ask unanimous consent to add that it shall not apply to transportation wholly by water. That will obviate the objection.

The PRESIDENT *pro tempore*. The Senator from Kansas has the right to modify his amendment, the yeas and nays not having been ordered.

Mr. SEWELL. I shall object to the modification.

The PRESIDENT *pro tempore*. The Senator from Kansas has the right to modify it.

Mr. PLUMB. I modify it by adding:

Provided, That this shall not apply to transportation wholly by water.

Mr. CONGER. I suggest to the gentleman to strike out the words "or transportation."

Mr. PLUMB. That can be settled afterward.

The PRESIDENT *pro tempore*. The modification made by the Senator from Kansas will be read. The amendment as modified will be read.

The CHIEF CLERK. The amendment as proposed to be amended would read:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States: Provided, That this shall not apply to transportation wholly by water.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment, as modified.

Mr. SEWELL. I hope that last clause will not be adopted.

Mr. CONGER. Mr. President, one proposition will meet all the objections that could be made to including ocean transportation or lake transportation, by striking out the words "or transportation" after

"railroad," thus confining the section to railroad companies. This proviso leaves it still uncertain, because it may be construed to be where the freight goes partly by water and partly by rail; and, therefore, it will take all the lake transportation if it has railroad transportation connected with it. The Saint Lawrence is on tide water; the docks of Montreal are on tide water; therefore, if freight is carried on the Saint Lawrence and across the ocean to England or anywhere in Europe, if that construction was held, that, because the transportation was partly by rail, say from Omaha to Chicago and thence by water down the lakes through the Welland Canal and the Saint Lawrence, it could go to Europe, and the bill would apply to ocean and lake transportation.

The object the Senator has in view can be attained by striking out the words "or transportation" before "companies" and after "railroad." That would meet the whole case and confine it to railroads. I ask him to make that modification instead of adding the proviso.

Mr. PLUMB. I do not see why we should not regulate transportation that is partly by water and partly by rail. I can see a great many reasons why we should not regulate transportation by water alone, because transportation by water is free to all to engage in. Every man can put his boat on the Mississippi River or Lake Erie or Lake Michigan; but when we come to deal with transportation partly by rail and partly by water we may find that, for the purpose of protecting the interests of those companies whose transportation is wholly by rail and of shippers whose freight can be transported only wholly by rail, we ought to put our hands for the purpose of regulation on this mixed transportation. If a through bill of lading is made from New York to Port Huron, in Michigan, would the Senator say that because the freight crosses the water between an opposite point in Canada and Port Huron it ought to be exempted, or would he say that if it went from New York to Buffalo by rail and from thence by water to Saginaw it ought to be exempted from the provisions of this bill? If he would, then I should differ with my friend respectfully. It seems to me that in a case of that kind it would be interstate commerce, and not only interstate commerce, but interstate commerce of a kind that might need, and that *prima facie* would need, regulation and the oversight of the Government as much as any other class of transportation that we are to provide for.

Mr. CONGER. Mr. President—

The PRESIDENT *pro tempore*. If the Senator from Michigan will suspend for a moment, the Chair begs to call the attention of the Senate to section 2 of the amendment proposed by the Senator from Illinois, which was intended, as the Chair understands, to be the Senate bill. In the print of this amendment an error has been made, differing from the Senate bill in line 5. After the word "and," in line 5 in the Senate bill, was the word "to," and after the word "and," where it secondly occurs in line 5, was also the word "to." If the amendment agreed to by the Senate, proposed by the Senator from Illinois, were precisely like the Senate bill as it stood and as it was supposed to be intended, after the word "and" in both instances in line 5 of section 2, the word "to" should be inserted, so as to read:

All transportation companies engaged in interstate commerce, and to take into consideration and to thoroughly investigate.

If there be no objection those errors in the reprint of the amendment from the Senate bill will be corrected and the corrections stand as a part of the amendment. Is there objection? The Chair hears none.

Mr. CULLOM. I desire to say that section 2 as it stands in the bill was substantially the amendment offered by the Senator from Alabama, and I have no doubt that the words the President of the Senate has indicated should be there.

The PRESIDENT *pro tempore*. An examination has been made, and it has been found that that error has been made in the reprint. If there be no objection those two words will be inserted and stand as part of the amendment agreed to. The Chair hears no objection.

Mr. CONGER. Section 13 defines what shall be deemed transportation companies as provided for in this act; and if it remains as it is it controls every vessel running in connection with a railroad; and by the proposition here every vessel and every line of vessels on the lakes that carries any freight starting from beyond the water in the West or in the East will come under this bill. This says:

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels.

With the construction that is given to this bill in this section and in the next and in former sections, any freight which shall be taken by a railroad or by any intermediate transportation company or vessel or line of vessels comes under the absolute control of this legislation. It affects the prices to be paid every vessel that takes wheat from Iowa or Minnesota, at Chicago, having come there by rail, to any point in the East. I say it would be destructive of all vessel interests to establish these rules and these laws over vessels and their competitors that run upon the great lakes.

Mr. BLAIR. Will the Senator before he takes his seat elucidate that point a little? I do not understand it. This bill provides for the regulation of interstate commerce, and perhaps by the terms of it all commerce, by prohibiting extortion and discrimination, and it establishes a commission to prevent by its action this extortion and discrim-

ination. It is only in that way that it undertakes to interfere with or to regulate commerce, whether foreign or domestic. Now I do not comprehend how it is that if the bill aims only at those two crimes, extortion and discrimination, which are practically made crimes, because they are attended with all those public evils that do attend crime, it is open to the objections that the Senator from Michigan urges simply because it embraces water transportation as well as railroad or land transportation. I do not comprehend that the American public are to be subjected to extortion when perpetrated by owners of single vessels or lines of water communication any more than when those same evils are perpetrated by companies that operate only upon land; and that they may accomplish the same great injury we all know to be a demonstrated fact. We know it in the case of the Oregon Navigation Company, of which we have heard so much for many years as to its monopoly of the transportation upon the Columbia River, and in the case of lines that own the water communication along the Mississippi River and control commerce in connection with great railroad companies, trans-continental railroad companies. They are a practical continuation of those same lines of communication to the eastern continent. They are all owned by the same capital. They are continuous lines. The evil can be perpetrated upon water as well as upon land; and if we are to undertake to prevent discriminations and extortions by land companies, why on earth should we not extend the same regulation and exert the same sovereign power which we possess with reference to the other that we do with reference to the one? I do not understand the Senator's zealous denunciation of the provisions of this bill when they reach evils perpetrated by water transportation companies, when at the same time he is perfectly willing that those evils shall be regulated and prevented if perpetrated by railroads.

Mr. BECK. Will the Senator from Michigan allow me to say a word here?

Mr. CONGER. Yes, sir.

Mr. BECK. A good deal of importance has been given to the testimony of Mr. Albert Fink, who is a very able man. In the volumes furnished to the Senate entitled "Relations between Labor and Capital," volume 2, part 1, page 496, the Senator from New Hampshire, as chairman of the Committee on Education and Labor, was investigating in his examination of Mr. Fink the question as to whether water ways ought to be regulated because of the dangers of combination, and he put this question:

The water ways among themselves are unable to combine?

The Senator from New Hampshire [Mr. BLAIR] put that question; and to it Mr. Fink answered:

A. There is no inducement for water ways to combine. They are never competitors in the sense in which railroads are. For example, the Erie Canal is not a competitor with the Mississippi River; that is to say, not an immediate competitor. They are competitors in a certain sense—as for the export business; but they do not come into direct competition with each other. For example, the Hudson River runs through a certain section of country. There are only certain people that can be furnished with accommodations by the Hudson River. But with the railroads it is different; the railroads cross each other in every direction. The rivers do not. The network of railroads makes competition very active; one road competes with many others. There is no competition between the several water ways; there is only competition between the boats on each water way; but the railways compete with each other all over the country and in every direction. This makes railroad competition so much more widespread, leading to so many complications that it makes it difficult to prevent competition from becoming ruinous.

And in the course of that gentleman's examination he insisted that there was no necessity for any combination or any such organization as to water transportation as he was at the head of, because even on the Erie Canal, he testified, each individual boatman was working for himself and was competing with every other boatman; and, indeed, the laws of New York prohibit and the supreme court of New York had decided that any attempt on the part of the men on that canal to make a pool was illegal, and they were therefore always competing with each other. He went on further to say in the course of this testimony—I do not care to read it all—that the water ways were the great agents in bringing down freights and that the railroads had to accommodate themselves to the prices charged by the water ways. That was illustrated when we made the Eads jetties at the mouth of the Mississippi River and enabled boats to go to Europe and go all over the world by passing out of what had formerly been a shallow pass with only seven feet of water. We enabled men to put their barges on that great river and take them out; and in that way we did more to reduce the railroad rate and to prevent the possibility of high charges than could have been done in any other possible way. He acknowledged that all the railroads in all their systems had to work against the free water ways of the country.

I believe he added—if he did not it is true—that on a water way any man can put a boat or a barge anywhere and take his own products from his own landing to any other place and land them at any landing and ask nobody any odds, whereas on railways he can not put his own car with his own hogs, his own cattle, his own sheep, his own grain, his own products, or anything else, because the men who are managing that railway have the exclusive right to control all traffic on it. But the competition is so great between the water ways and the railways that the great interest of the public is to encourage water ways, make them as cheap as possible, for the very purpose of keeping down exorbitant charges by the railroads, which have a monopoly of their lines.

I think the Senator from Michigan is right in endeavoring to make the water ways as free as possible, and we should not subject them to the same surveillance that we do their competitors, whose interest is to keep everything high, while the United States in every river and harbor bill is endeavoring to give them as little power as possible by having a water competition.

Mr. SEWELL. Will the Senator from Michigan allow me?

Mr. CONGER. I do not yield the floor further.

Mr. BECK. I beg pardon.

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield?

Mr. CONGER. I yielded to the Senator from Kentucky.

Mr. BECK. Allow me to express my obligation to the Senator from Michigan. I desired to say that much, because I said to him the other day that upon this question I thought he was clearly right.

Mr. SEWELL. Will the Senator from Michigan allow me to ask a question of the Senator from Kentucky?

Mr. CONGER. Yes; if the debate does not run on till morning.

Mr. SEWELL. I simply want to ask the Senator from Kentucky how he would do in this case: Suppose the railroad companies should become transportation companies by water, as they are to a large extent, would he not want to regulate them?

Mr. BECK. In a great question like this I would deal very cautiously, and I would deal with one thing at a time. If I found hereafter that they were controlling those water ways in any manner prejudicial to the interests of the great masses of the people of this country I would then interfere with them.

Mr. SEWELL. They are doing it now; sixty transportation companies are, partly by land and partly by water.

Mr. BECK. But at the same time the water way is free to every citizen, is it not? The railway is not free to every citizen. There is no public water way in the United States that the Senator from New Jersey or myself could not float our produce down if we felt that it was profitable to do so in competition with anybody else, and there is no railway of the United States where we can put our car with our produce in competition with the railroad managers although ruin might stare us in the face unless we got it to market.

Mr. ALLISON. Will the Senator from Michigan yield to me to ask him a question and also make a suggestion?

Mr. CONGER. Yes, sir.

Mr. ALLISON. As I understand this bill to regulate interstate commerce, the definition of which is found in section 13, the bill does not apply to water transportation unless it is connected directly with railway transportation.

Mr. LAPHAM. Unless it is part of it.

Mr. ALLISON. Unless it is part of it; as, for example, the Erie Railway, which has a line to Buffalo and to Dunkirk, puts at those points, or either of them, a line of steamships to run from there to Duluth, and makes contracts for freights to Portland, Oreg., by way of Duluth. A part of that line, of course, is by rail and a part by water, and yet it is a part of the railway system. Now, it does seem to me that if we undertake to regulate railways in the interior of our country, such as the Pittsburgh, Fort Wayne and Chicago, and other lines which run wholly through the interior, we should also have some jurisdiction to regulate those lines that run in a more northerly direction, and utilize the great lakes and the rivers, if you please, as a part of their system. It seems to me so. I may be mistaken. Of course I would not be willing, for one, to undertake in this bill to regulate those vessels that come into Chicago either from Montreal or from any point on the lower or the upper lakes. I do not think it is so intended; but where vessels are a part of a railway system I see no objection to including them within the provisions of the bill, and it seems to me that is all that this bill does. That is what I wished to suggest.

Mr. CONGER. I ask the Senator to look at section 13 while I am talking.

Mr. ALLISON. I have looked at it.

Mr. CONGER. "The term 'transportation company,' which is in the clause about which I was commenting, is in this bill defined—

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean—

What?

any corporation—

Mr. ALLISON. Go right on.

Mr. CONGER.

any corporation, company, or individual, now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part, or that may have the right, license, or permission to operate, use, or control any railroad or railroads, or any vessel or vessels, in whole or in part—

Mr. ALLISON. Read right on, the proviso.

Mr. CONGER.

Provided said corporation, company, or individual is engaged in the business of transporting freights or property of any description by railroad—

Mr. ALLISON. That is, wholly by railroad.

Mr. CONGER.

or partly by railroad and partly by water, from one State into another State or Territory of the United States, or from any Territory into any State or any other Territory; and the provisions of this act shall apply to all persons, firms, and com-

panies, and to all associations of persons or companies, whether incorporated or not, and to all associations of corporations engaged in thus transporting freights or property of any description, in the manner above set forth, from one State into any other State or Territory, or from any Territory into any State or any other Territory.

Mr. ALLISON. The Senator will see that that would not apply to a line of vessels transporting property between Chicago and Buffalo, for example, or between Chicago and Detroit, for example.

Mr. CONGER. It would if they ran in connection with any railroad.

Mr. ALLISON. It would if the line was partly by rail and partly by water; otherwise not.

Mr. CONGER. It has been argued all through the discussion that the object of this bill was to include these products as freights from the starting point, in whatever Territory or State, clear through to the destination and to make the lines continuous in effect. That is the object of the bill as to railroad lines. It is also provided that if goods go to Chicago and Milwaukee by rail, and then some captain with his propeller or his barge takes them to Buffalo on his own private undertaking, because the product came by rail and is going on by rail from Buffalo, that vessel shall be included under the bill.

Mr. CULLOM. Not as the bill is.

Mr. CONGER. Yes, as the bill is, and it shall be governed by this law. It seems to me that those of us who are interested in water transportation East or West, North or South should stop and look at this question and see what its effect will be. We are expending at the rate of from three to ten million dollars a year to improve our water ways. What for? To make them parts of railroad companies, to make them a part of the great railroad system of transportation by some possible connection of freight or productions that pass over them? No, sir. We are spending these millions and hundreds of millions of dollars—for it amounts to that up to the present time since the formation of the Government—to make a highway for every citizen of the United States to take his boat, his ark, his batteau, his vessel, his steamboat, whatever he has that can carry freight, to make a highway upon which he may float his craft and carry his own produce or such as he can procure. Are we building light-houses for the benefit of railways? Are we putting up beacon-lights on the Mississippi and light-houses on the lakes which tend to make those waters free to individual effort, to individual use, to bring them in subjection, because railroads should be subject to laws which may very well be applied to railroads, but which, in my judgment, would ruin the water communications if applied to them? They can not live under these laws. They must be permitted to change their freights and their rates of freight. Freights from Chicago to Buffalo change every hour. Charter-parties are different in the afternoon from what they were in the morning. If circumstances make it necessary for vessels, if they would be in business at all, to come down in their freights even below a living price they do it; but under this rule the steamboats must have schedules, the barges must have their schedules, that they cannot alter without five days' notice. Why, sir, you would tie up the vessels at the docks and keep them there till piecemeal they rot into the waters of the lakes and the rivers.

Mr. HARRISON. The Senator from Michigan must see that there is no such regulation of freights, no such provision.

Mr. CONGER. Who would have dreamed that such a proposition could be offered to be put in this bill as the Senator from New Jersey has offered? Who would have dreamed that a quarter of an hour ago, and who can tell what will be put in this bill? We must meet these things where we find them and attack them whenever a head appears above water. That is the way I fight for the interests of the people I represent and the interests of the people who dwell along the great water courses of our country which have been made navigable for the benefit of the people and the whole people by an immense expenditure of money, which is to be increased and increased until the water ways of the United States shall be the great competing routes to keep down better than all law, better than all prescription, better than all oratory, the exorbitant charges of railroads in the land. They control them now better than any legislation which we can have. All up and down the current of these waters, from the remote ports, they control the prices and the monopolies of railroads. The main reason for paying the \$10,000,000 a year to improve these water courses is that we may have something that shall compete with the giant monopolies of the land and hold them within control.

Mr. BLAIR. Mr. President, I am still as much in the dark as at the beginning, after listening to the explanations of the Senator from Kentucky through his new and favorite witness Mr. Albert Fink, against whose theories he has been combating during the entire debate on the bill, and whom he now quotes as the principal supporter of his theories, and also after listening to the eloquence of our friend the Senator from Michigan.

The bill does not undertake to interfere with proper practices on the part of land and water transportation companies. No authority vested in the commission, no authority emanating by virtue of the enactment of this bill into law, if it should become a law, authorizes anybody to intermeddle with any transportation company that is discharging its duty to the public, that is simply taking an honest and fair requital for the services it renders. The bill only undertakes to prohibit and to prevent certain public evils, extortion and unjust discrimination.

When extortion and unjust discrimination are practiced by a water-

transportation company, even although its entire sphere of operations is confined to the water, if it has to do with interstate commerce, why it is that such practices on the part of a water-transportation company are to be permitted, and are yet to be prohibited when they are undertaken by land companies, I am still unable to perceive. The Senator says that private individuals may place their vehicles of communication and of transportation on the water routes of the country. There is that distinction, and that distinction only, between a water route and a land route. There is no right of eminent domain attaching to the water routes of the country. They are open, they are free like the air, and whoever has the capital, whoever can establish a route of water transportation, is, to be sure, not subject to regulation so far as that right of regulation comes from the sovereign by virtue of his power of eminent domain, which he has parted with for the benefit of the private individual, or the private corporation in the case of the railroad.

But, nevertheless, we all know it to be a fact that the productions of the earth, the valuable things that are achieved by way of production, are divided among the various individuals and agencies which contribute to that production, and that associated capital and associated wealth always work to an advantage as against the individual or as against capital invested in small masses. The result is that when corporations or individuals are able to command great capital they are able to transact a particular business in which they engage at vastly reduced rates as against the individual who has smaller facilities, smaller capital, and consequently a lesser degree of efficiency; the practical result of which is that capital is invested in large masses in water transportation precisely as it is in land transportation, and so capital is invested in large masses in the shipping business proper.

So in the agricultural or producing classes, those classes which produce directly from the earth. So with the manufacturers. Vast masses of capital are thus combined in these various pursuits, and, as it were, they play against each other, and they are able to extinguish anything like competition which arises on the part of individual or smaller amounts of capital.

Therefore it is that the water-transportation route from Saint Louis to New Orleans by steamship, owned as it is by a few individuals—it may be almost wholly by one individual—can easily expel as a matter of practical business arrangement any private individual, any single man, any agriculturist or any manufacturer who is engaged with his farm or with his mill, and it is utterly impossible for him to get upon the water as a matter of fact.

Everybody knows that the water-transportation companies of this country have practiced extortion and unjust discrimination just as much as the land-transportation companies of the country have done. We know that they have as much to do with the evils of internal or interstate commerce as have the land companies themselves. They are there with capacity to practice unjust discrimination and extortion, and they do practice those great evils. They inflict those evils upon the community; and are we to leave them without regulation, to create those evils, by virtue of the power which they have, and subject the community as a whole to the extortion and the unjust discriminations in the way of rates to which they do subject the community, when by so doing they are able to maintain themselves and to also maintain a ruinous competition against any honest individual or any honest company that may undertake to establish itself?

Since the bill only aims at these two real crimes, defining these evils as public crimes, and undertakes to prohibit them, I do not understand where the objection comes in from any source whatever to the provision of the bill which does unquestionably to my mind include water-transportation routes as well as land-transportation routes. If I could see any reason why a bill which undertakes to deal with interstate commerce and with foreign commerce both (for I think it covers both) should be made partial in its operation and leave the evils which exist with reference to water as well as land transportation unregulated in one case while it undertakes to prohibit those evils in the other case, I should be very glad to vote for the proposed amendment.

Nor can I understand the sensitiveness of the Senator from Michigan, who talks of the Northwest and of the improvements there made along the water lines of transportation in the way of repair, the removal of snags, the deepening of channels, and the removal of ledges, and all that sort of thing, which enters into the public expense and is for the general public good, and so far as it goes is a general contribution to the capital invested in interstate commerce. I do not understand, I say, from whence and for what reason there is this sensitiveness against the prohibition of the crimes which we are defining and establishing in the bill when committed by water-transportation companies.

With reference to the testimony of Mr. Fink, it stands for what it is worth. It stands by itself. It is the testimony probably of the best educated student, the man best informed with reference to the great subject of interstate commerce and foreign commerce as well. He is the best informed man, so far as I know, that there is in our own country; but nevertheless we know that Mr. Fink has his prejudices, he has his affiliations; and I would not consider the opinion of Mr. Fink one safe for the Legislature of the United States to follow without question.

If the Senator from Kentucky will examine the testimony from which he quotes he will find that there is testimony from other and

eminent witnesses who take a different view upon some of these great points from Mr. Fink. At all events, I do not see why he should rise here and quote Mr. Fink as a reliable witness in one case when he discards and discountenances and denounces his testimony in everything else.

Mr. President, I had no idea of saying anything upon the bill. I simply asked a question. I have understood from the beginning that it is a measure ample and comprehensive in its scope, which covers the whole subject, and I look upon it as a futile attempt to do good to the public unless we do so legislate as to cure and regulate the entire evil if we undertake to do anything about it at all.

Mr. CALL. Mr. President, I wish to submit to the Senate a statement made in the arguments and statements before the Committee on Commerce of the House in 1882. Mr. Thurber, in his testimony on this subject, says:

This speech of Mr. Daggett showed that the original investment of Stanford, Huntington, and another in the Central Pacific Railroad was \$12,500; and in fourteen years the whole property had increased to \$184,000,000. The result was that they got so much money that they went to work and bought up the Pacific Mail Steamship Company, and now they are paying that company \$90,000 a month subsidy in order to keep the rates up, instead of the public getting the benefits of the competition to which it is properly entitled.

I do not know any reason why that line of water transportation should not be subjected to the provisions of this bill, if they are to be of any force or effect at all. I do not know why the people of the Pacific coast should not be protected if the bill is to be a protection to anybody.

The PRESIDING OFFICER (Mr. BUTLER in the chair). The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. CONGER. Let it be reported.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The CHIEF CLERK. In line 3 of the proposed new section, after the word "freight," it is moved to strike out the words:

From points in the United States through the Dominion of Canada to tide water, or to tide water or other points within the United States.

And insert:

From any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States: *Provided*, That this shall not apply to transportation wholly by water.

Mr. CONGER. I move to strike out the words "or transportation."

Mr. EDMUNDS. That is not in order. The pending question is an amendment in the second degree, and no further amendment is in order.

The PRESIDING OFFICER. Does the Senator from Vermont make the point of order?

Mr. EDMUNDS. No, I do not make any point of order. I only suggest to my friend from Michigan that it is not in order.

Mr. CONGER. I shall withhold the amendment for the present.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the amendment of the Senator from New Jersey.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment as amended.

Mr. CONGER. In line 2 of the proposed new section I move to strike out the words "or transportation," after "railroad," so as to read:

That the provisions of this bill shall be construed as applicable to all railroad companies engaged in the carrying of freight from any place in the United States, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan to the amendment of the Senator from New Jersey as amended.

Mr. SEWELL. I trust that the amendment to the amendment will not be adopted. It would destroy the character of the amendment as proposed by me. I wish to reach the joint railroad and transportation companies competing with the great trunk lines of this country and running through Canada. If the words proposed are stricken out, the road that I wish to reach might do all the business in competition with our lines by just putting in part water.

The amendment to the amendment was rejected.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The amendment offered by the Senator from New Jersey as amended is now before the Senate. Is the Senate ready for the question? [Having put the question.] The ayes appear to have it.

Mr. CONGER. I ask for a division.

Mr. HARRISON and others. Oh, no; that will result in a yea-and-nay vote.

Mr. CONGER. It may result in forcing the bill over, but in the absence of two-thirds of the Senators it is not consistent with my feelings to let such amendments as this get into the bill when I think with a full hearing they can be kept out.

Mr. SEWELL. The Senator has a remedy. He can move to strike out and insert after the bill is reported to the Senate; but let us now make some progress with the bill.

Mr. CONGER. Possession is nine points of the law, The PRESIDING OFFICER. The Chair will put the question again, with the consent of the Senate. The question is on agreeing to the amendment of the Senator from New Jersey as amended. [Having put the question.] The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Mr. SEWELL. I ask unanimous consent to correct the amendment in line 1 by substituting the word "act" for the word "bill."

The PRESIDING OFFICER. If there be no objection that verbal correction will be made.

Mr. MAHONE. At the end of the twelfth section of the bill I move to insert.

And it shall not be lawful for any transportation company to engage in such transportation of passengers or freights with any other such company unless it admits and contracts with any and all other transportation companies desiring to engage with it and its connecting carriers in the business of interstate commerce upon the same terms of association as those agreed upon between it and such other company. And the rate of transportation over all lines engaged in such business shall be computed and charged upon the following basis, that is to say: For passengers of the same class the combined charge of all the carriers, to be divided as they may agree, shall nevertheless, for all distances, be pro rata per mile. For freights of the same class and of like units, taking the car-load as the maximum, the total charge from the station of shipment to the station of final delivery shall be composed of two items—the charges for fixed expenses and the charge for any transfer where a break of gauge or a transshipment from rail to vessel, or vice versa, or a necessary portage may be imposed, such proper charges for each class of freight and like units below and including the car-load to be ascertained and agreed by the transportation companies concerned, subject to the approval of the said board of commissioners. The charge for transportation of freights of the same class and unit below and including the car-load shall be, as to the same carrier composing part of the route traversed, for all distances, pro rata per mile, to be divided between the carriers directly performing the service as they may agree.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia.

Mr. MAXEY. The amendment offered by the Senator from Virginia is a very important one. It is now within a few minutes of 7 o'clock. We can not understand that amendment and vote intelligently upon it now, and I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate adjourn.

Mr. HOAR. On that question I call for the yeas and nays. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] is paired with the Senator from Arkansas [Mr. GARLAND].

Mr. PLUMB (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

The roll-call was concluded. Mr. WILSON. The Senator from Vermont [Mr. MORRILL] is paired.

Mr. BUTLER. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "yea."

Mr. RANSOM. I was requested to state that my colleague [Mr. VANCE] is paired with the Senator from New York [Mr. LAPHAM].

The result was announced—yeas 13, nays 24; as follows:

YEAS—13.

Beck,	Harris,	Mahone,	Vest.
Call,	Jackson,	Maxey,	
Coke,	Jones of Florida,	Morgan,	
Hampton,	Lamar,	Ransom,	

NAYS—24.

Allison,	Dawes,	Hoar,	Pugh,
Blair,	Dolph,	Jonas,	Riddleberger,
Bowen,	Edmunds,	Jones of Nevada,	Sawyer,
Chace,	Frye,	McMillan,	Sewell,
Conger,	Harrison,	Miller of Cal.,	Sherman,
Cullom,	Hawley,	Pike,	Wilson.

ABSENT—39.

Aldrich,	Farley,	Lapham,	Plumb,
Bayard,	Garland,	Logan,	Sabin,
Brown,	George,	McPherson,	Saulsbury,
Butler,	Gibson,	Manderson,	Slater,
Camden,	Gorman,	Miller of N. Y.,	Vance,
Cameron of Pa.,	Groome,	Mitchell,	Van Wyck,
Cameron of Wis.,	Hale,	Morrill,	Voorhees,
Cockrell,	Hill,	Palmer,	Walker,
Colquitt,	Ingalls,	Pendleton,	Williams.
Fair,	Kenna,	Platt,	

The PRESIDING OFFICER. No quorum has voted.

Mr. EDMUNDS. The rule requires that the roll shall be called.

Mr. CONGER. I think before the announcement that no quorum is present the decision of the Senate on the motion should be stated, as the rules do not require that a quorum shall be present to adjourn.

Mr. EDMUNDS. Less than a quorum may refuse to adjourn, but nothing can be done until the presence of a quorum is secured.

The PRESIDING OFFICER. The Chair should have stated that the noes have it on the motion to adjourn. The lack of a quorum being disclosed, the next thing in order is the call of the Senate. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. ALLISON (when Mr. BAYARD'S name was called). I ought to say that the Senator from Delaware [Mr. BAYARD] stated to me that

he was obliged to be absent this evening, and asked me to pair with him on the bill and the amendments.

The roll-call was concluded, 43 Senators having answered to their names.

The PRESIDENT *pro tempore*. The roll-call shows that 43 Senators are present, being a quorum. The question recurs on agreeing to the amendment proposed by the Senator from Virginia [Mr. MAHONE].

The amendment was rejected.

Mr. JACKSON. I wish to call the attention of the Senator from Illinois to the fact that the fourteenth section will have to be amended. Inasmuch as he has provided for nine commissioners at \$7,500 each, the amount appropriated in the fourteenth section will not be sufficient. That section will require an amendment.

Mr. CULLOM. If it is in order I desire to ask the Senate to amend that section by striking out "sixty" and inserting "ninety" before the word "thousand."

The PRESIDENT *pro tempore*. That motion is not now in order.

Mr. CULLOM. I so thought.

The PRESIDENT *pro tempore*. The section as it stands has been agreed to.

Mr. CULLOM. I will ask unanimous consent to move that amendment. I think there will be no objection to it, perhaps.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that section 14 be amended, in line 1, by striking out "sixty" and inserting "ninety" before the word "thousand;" so as to read—

That the sum of \$90,000 is hereby appropriated, &c.

Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. CALL. I have a number of amendments that were left with me by the Senator from Mississippi [Mr. GEORGE]. He is very anxious that they shall be presented for consideration before the bill is disposed of, and inasmuch as he has been compelled to go to New York and desires to be here himself to offer them, I will move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate do now adjourn.

The motion was not agreed to.

Mr. CALL. Then I offer an amendment to the bill on behalf of the Senator from Mississippi. At the end of section 4 I move to add:

And proof that any transportation company has made a greater charge for hauling any such freight for a shorter distance than it charges for hauling in a contemporaneous service a like quantity of similar freight for a greater distance, shall be *prima facie* evidence of unjust discrimination.

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

Mr. HOAR. I desire to inquire what is the parliamentary condition of the bill? Is it not that the Senate have adopted a substitute for the pending bill?

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole has agreed to strike out all after the enacting clause of the bill and to insert what the Senate has agreed to.

Mr. HOAR. Then I rise to the question of order, that it is not in order to amend by inserting new matter between two sections which are part of one text, the substitute already agreed on.

The PRESIDENT *pro tempore*. The Chair thinks it is in order to move additions, but not to strike out.

Mr. HOAR. The Chair will pardon me, I had not concluded my statement. My proposition is that those additions can only come in at the end of the bill. The fact that a particular text is divided into sections does not make it any the less one text when it is adopted as a unit as a substitute; and when it is one text it can not be amended, after having been adopted as an amendment by a vote, at the same stage of the bill. It would be in order to add a new section at the end of the matter which has been adopted, but you can not put in between the lines in a section or between any two lines of the substitute anywhere an amendment, I respectfully submit.

The PRESIDENT *pro tempore*. The Chair overrules the point of order. It has been, the Chair thinks, the constant practice of the Senate to admit affirmative amendments of additional words in any part of an amendment that has been agreed to. The question is on agreeing to the amendment proposed by the Senator from Florida.

Mr. HOAR. I shall not take an appeal from the decision of the Chair, of course, but I do not remember to have been present in my brief service in the Senate on any single occasion when the Senate has acted upon the practice to which the Chair refers. Having taken some little pains to master the parliamentary law, I had supposed that to be the settled parliamentary law. However, I defer to the decision of the Chair, which, of course, is founded upon a larger experience and upon profounder learning than my own.

The PRESIDENT *pro tempore*. The Chair can not remember any precise instance, but the Chair is confident that it has been the practice of the Senate ever since the present occupant of the chair has been in the Senate to admit without question or dispute any affirmative additional words to an amendment that had been agreed to in any part

of the amendment. The Chair may be in error, but that is the opinion of the Chair at this moment.

Mr. RANSOM. I should like to ask the Chair if the rule suggested by the Senator from Massachusetts that the substitute can not be amended would apply to the bill after it is reported to the Senate?

The PRESIDENT *pro tempore*. It will then be entirely open to amendment.

Mr. RANSOM. I simply made the inquiry so as to suggest to my friend from Florida that he would have no difficulty whatever with his amendments when the bill is reported to the Senate.

The PRESIDENT *pro tempore*. The Chair thinks that the present amendment of the Senator from Florida is in order.

Mr. HOAR. The Chair will pardon me, the suggestion I distinctly made was as to the right to amend at the same stage.

Mr. BUTLER. If the Senator from Illinois who has charge of the bill will permit me to make a suggestion to him, I ask him if it would not suit his convenience, if he can get unanimous consent, to agree upon some hour to-morrow at which we shall take a vote upon the bill? It seems to me almost impossible to get through with the bill to-night with the number of amendments of which notice has been given. I should like to have the Senator from Illinois express his opinion upon that subject.

Mr. CULLOM. If I were to yield to the suggestion of the Senator from South Carolina it would be a very great convenience to me. I am not staying here as a matter of convenience, but I have felt that it is my duty to insist upon the consideration of the bill until it is concluded, because I have felt very greatly embarrassed at its continuing before the Senate so long obstructing other public business of importance. I gave notice yesterday that I should ask the Senate to remain here to-day until the bill was finished. If the Senate would agree to vote at 3 o'clock to-morrow on the bill so as to give a few minutes' time for offering amendments and five-minute talks in explanation of them, so far as I am personally concerned I would not object to the Senate adjourning with the understanding that the final vote shall be taken to-morrow at 3 o'clock.

Mr. BUTLER. Then I ask unanimous consent that the vote be taken at 3 o'clock to-morrow, in accordance with the suggestion of the Senator from Illinois.

Mr. CALL. I suggest to the Senator from Illinois and the Senator from South Carolina to fix the hour at 4 o'clock to-morrow. The Senator from Mississippi [Mr. GEORGE], who is compelled to be absent to-day, desires to be heard upon the bill. The amendments which I am offering are his, and I offer them under a promise to him that they should be offered to the bill. He desires to be here, and I ask that the hour be fixed at 4 o'clock to-morrow, so as to give him an opportunity to be heard on the bill.

Mr. CULLOM. I shall ask the Senate to take up the bill immediately after the morning business proper is concluded to-morrow, which will give a considerable time for discussion and amendment, and I think there will be time enough between that and 3 o'clock. I hope there will be no objection to that arrangement. I ask the Senator from Florida to allow the bill to go along to-night so far as to get it into the Senate, after which he will have an opportunity to offer his amendments, and they will not be repeated by being twice offered.

Mr. CALL. I shall not object to the arrangement proposed, but I think 4 o'clock will be the better hour, if the Senator will allow me to suggest it.

Mr. CULLOM. I think 3 o'clock would be better.

The PRESIDENT *pro tempore*. Does the Senator from Florida withdraw his amendment for the time being?

Mr. CALL. I will do so.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The Senator from South Carolina asks unanimous consent that it be understood that the bill be taken up immediately after the morning business to-morrow, and that the final vote upon the bill and all amendments offered and to be offered shall be taken, without further debate, after 3 o'clock. Is there objection? The Chair hears none. That is the understanding. The Chair understands that these agreements do not go on the Journal.

Mr. CULLOM. I ask that the bill be reported to the Senate to-night. The Senator from Florida can offer his amendments after the bill is reported.

The PRESIDENT *pro tempore*. If no further amendments be proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BUTLER. I move that the Senate adjourn.

Mr. BOWEN. I ask the Senator to allow me to offer an amendment.

Mr. BUTLER. I withdraw the motion.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. BOWEN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore*. Pursuant to the authority of the

Senate the Chair appoints, to fill the vacancies occasioned by the expiration of the term of Senator Sheffield, of Rhode Island:

On the Committee on Claims, Mr. CHACE.

On the Select Committee on Woman Suffrage, Mr. CHACE.

On the Committee on Mines and Mining, Mr. CHACE.

On the Committee on Revolutionary Claims, Mr. CHACE.

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 11 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 3, 1885.

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

Mr. LORE. I ask that so much of the Journal as relates to the formal introduction of bills and joint resolutions be omitted in the reading.

There was no objection, and it was ordered accordingly.

Mr. WILSON, of Iowa. I move also that so much of the Journal as relates to the filibustering proceedings last night be omitted in the reading.

Mr. RANDALL. I object.

The Journal was then read and approved.

PRINTING SMITHSONIAN REPORTS.

On motion of Mr. SINGLETON, by unanimous consent the joint resolution (S. R. 114) in regard to the printing of the reports of the Smithsonian Institution was taken from the Speaker's table, read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PRINTING OF EULOGIES ON LATE JOHN H. EVINS.

Mr. BRATTON, by unanimous consent, submitted the following resolution:

Resolved, That there be printed of the eulogies on the late John H. Evins, late a Representative of the Forty-eighth Congress from the State of South Carolina, 12,500 copies, of which 7,300 copies shall be for the use of the Senate, and 9,500 copies for the use of the House of Representatives; and that the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said John H. Evins to accompany such eulogies, and for the purpose of engraving and printing said portrait the sum of \$500, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER *pro tempore*. The proper form would be to make it a joint resolution of the two Houses. Does the gentleman desire that it shall be put in the form of a joint resolution?

Mr. BRATTON. I do.

Joint resolution (H. Res. 327) providing for the printing of eulogies delivered in Congress upon John H. Evins, late a Representative of the Forty-eighth Congress from the State of South Carolina, was received, read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

REPRINTING OF A REPORT.

Mr. BLANCHARD. I demand the regular order of business.

Mr. BLAND. I rise to submit a privileged report.

Mr. TOWNSHEND. I ask to have reprinted the report of the Committee on Appropriations accompanying the Post-Office appropriation bill.

There was no objection, and it was ordered accordingly.

Mr. COX, of New York. I rise to make a privileged report.

The SPEAKER *pro tempore*. The gentleman from Missouri addressed the Chair some time ago to make a privileged report.

SILVER DOLLAR.

Mr. BLAND, from the Committee on Coinage, Weights, and Measures, submitted the following report.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether the Clearing House Association at New York, or any national bank thereof, refuses to receive silver dollars or silver certificates in the settlement of their balances, or refuses to receive silver dollars or silver certificates from the Government in payment of balances due from the Government to said association, and whether any official or officials of the Government accede to or recognize such rule or practice.

Also, what amount of gold came into the Treasury of the United States in exchange at par for silver dollars and silver certificates during the month of January, 1885.

Also, whether any national bank, or association of national banks, refuses to receive or pay out silver dollars or silver certificates contrary to law, or have adopted any rule or practice in that regard for the purpose of discrediting such money, or the effect of which is to depreciate the same.

Also, what amount of silver coin was in the Treasury of the United States on the 1st day of January, 1879, and of each year thereafter, not held for the redemption of silver certificates, and what proportion the said coin bore on each of those dates to the net cash in the Treasury at those several dates.

Also, what amount of the customs and internal revenues and other receipts of

the Government, stated separately, have been received in silver coin or silver certificates, stated by months for each year, since the 1st day of January, 1879.

Also, what other governments of the world did, during the year 1883, permit the coinage of legal-tender silver coin.

Also, the amount of such coinage, and what part thereof was from recoinage and what part from bullion.

Also, the price paid per ounce by the Director of the Mint for silver bullion on the 1st days of January and July each year from 1878 to 1885, both years inclusive.

Mr. BLAND. I demand the previous question upon the adoption of the report.

Mr. HISCOCK. On what ground is that claimed to be a privileged report?

The SPEAKER *pro tempore*. The gentleman from New York questions the privileged character of the report. The Clerk will read clause 1 of Rule XXIV.

The Clerk read as follows:

ORDER OF BUSINESS.

1. Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and joint resolutions for printing and reference, without debate; on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

Mr. REED, of Maine. Does the Chair decide that that gives these reports a right to be considered?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Maine that it has been but a very few days since a decision was made by the permanent Speaker of this House upon this very question, which the Chair was endeavoring to follow, and which decision held that these reports were privileged under the rule.

Mr. REED, of Maine. I was aware of that. I only want to congratulate the Chair and the House on the fact that there is something else besides appropriation bills that are considered to be privileged in this House.

The SPEAKER *pro tempore*. The Chair will state further that it lies off course with the House to determine the question of consideration.

Mr. KEIFER. Is this a resolution reported by a committee, or is it offered by the gentleman from Missouri himself?

Mr. BLAND. This is a report from the Committee on Coinage, Weights, and Measures.

Mr. KEIFER. I think it is in order under the rule.

Mr. BLAND. I demand the previous question.

The previous question was ordered.

Mr. BLAND moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is on the adoption of the report.

The report was agreed to.

Mr. BLAND moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS OF LADING, ETC.

Mr. LONG. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others, and ask to put the same upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That every vessel publicly offered at any port of the United States for the conveyance of goods and merchandise on the high seas, and all vessels bringing general cargo to any port of the United States, shall be liable to all the conditions and restrictions of this act.

SEC. 2. That it shall not be lawful for any such vessel, her owners, master, agent, or manager, to issue any bill of lading which does not clearly specify the exact voyage intended to be made, and any and every port at which it is contemplated she shall touch in the course of said voyage; and every departure from such voyage, save only when compelled thereto by dangers of the sea, unforeseen necessity, vis major, or to save life and property in distress at sea, and to tow and convey the same into the nearest or most convenient port of safety, shall be deemed a deviation. But nothing in this act contained shall prevent or interfere with the right of the vessel to reserve to herself the privilege of calling at or returning to any port or ports named in the bill of lading, and a failure to exercise such privilege shall not constitute a violation of this act or be deemed a deviation.

SEC. 3. That it shall not be lawful for any such vessel, her owners, master, agent, or manager, to insert in any bill of lading any clause, covenant, or agreement whereby the obligations of the owners of said vessel to properly equip, man, provision, and outfit said vessel, and in every way and manner within their, his, or her power to render said vessel seaworthy and capable of performing her intended voyage, shall in any wise be lessened, weakened, or avoided; and all provisions and clauses contained in any bill of lading issued by any such public carrier relieving from liability the vessel, her owners or master, for their or his neglect, or for any improper condition of the vessel, shall be null and void and of no effect in law.

SEC. 4. That it shall not be lawful for any such public carrier, by any clause or exception in any contract or bill of lading, to be relieved from liability for its, his, her, or their negligence, fault, or failure in proper stowage, custody, and care of all lawful merchandise confided to their charge, nor for failure by reason

of negligence to deliver the same, nor to provide for or adopt any other or different transportation than that agreed on by the vessel or voyage specified by which the goods have been shipped, liability for dangers of the sea, vis major, or unforeseen necessity being in all cases under this act excepted, nor to limit the extent of their liability to less than an indemnity to the claimant; nor shall anything in this act contained be construed as enlarging the right of any carrier to limit his liability other than as now established by law.

SEC. 5. That all goods and merchandise delivered to and received by any such public carrier shall be deemed as shipped subject to the conditions of this act, and entitled to a bill of lading in accordance therewith; and upon the refusal of the master or agent to issue such bill of lading on demand within a reasonable period after shipment, unless such goods and merchandise have been received from a preceding carrier and a bill of lading in conformity hereto has been issued, clearance of such vessel upon which said goods were to be or were laden shall be refused by the custom-house authorities of the port until such bill of lading be granted; and such vessel shall be liable to an action in rem for all damages and losses suffered by the shipper of goods or merchandise by reason of such refusal or neglect. In case of any dispute as to whether the terms of any bill of lading disagree with this act, and clearance if refused or delayed in consequence thereof, the following clause may then be inserted in or indorsed on such bill of lading, namely: "It is hereby declared that this bill of lading, as well as all other copies thereof, are intended to conform in all particulars to the act of Congress of 1884 on the subject of the form of bills of lading, and anything herein contained to the contrary is hereby made null and void." And thereupon the collector may deem such insertion or indorsement as making the bill of lading conform hereto, and shall grant the clearance if the vessel is otherwise entitled thereto.

SEC. 6. That if any vessel, her master, agent, or manager, shall plead, in bar or defense of any suit at law any clause or exception of any bill of lading contrary to the provisions of this act, the limitation of liability provided by section 4283 of the Revised Statutes, relating to ship-owners, shall not be held to apply to such vessel, owners, or either or any of them.

SEC. 7. That this act shall take effect on the 1st day of September, 1884.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. THOMAS. I shall object if this is going to give rise to any extended debate.

Mr. LONG. If the gentleman will reserve his objection for a moment, I think a brief explanation will be all that is necessary to satisfy the House as to the propriety of passing this bill.

Mr. WILLIS. I am compelled to object.

Mr. LONG. Will the gentleman reserve his objection for a brief explanation?

Mr. THOMAS. I am willing to hear an explanation.

Mr. WILLIS. How long does the gentleman ask?

Mr. LONG. I think three minutes will be sufficient.

Mr. WILLIS. I have no objection to that.

Mr. LONG. Mr. Speaker, I desire to say that this is a bill introduced by the gentleman from New York [Mr. JAMES], representing the large ship-owning interests of New York city. It has been considered by the Committee on Commerce and unanimously reported by that committee to the House.

The report states that our ocean-carrying trade is to-day almost entirely in the hands of foreign steamship lines. The object of the bill is to relieve American shippers and importers from risks which at common law belong to the carrier, but which the carrier by means of provisions inserted in his bill of lading has gradually succeeded in transferring to the shipper. Within a few years new clauses have been introduced, so that the carrier has relieved himself even of some of the risks arising from his own negligence. It is claimed that some of these provisions relieve him from the liabilities for thieves of all kinds, whether on board or not, from "vermin," "rats," "heat," "stowage," fire, negligence on the part of his own employés; negligence, default, or error in judgment on the part of persons in the service of the ship-owner, defects in the hull or machinery, and even unseaworthiness on the part of the steamer. It is very important that there should be some general rule as to the forms of bills of lading.

If there be no objection to the present consideration of the bill I will move the previous question.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts?

Mr. COX, of New York. The last section of this bill should be amended so as to take effect in 1885 instead of 1884. The bill reads September 1, 1884.

Mr. LONG. I will move to amend so that it will go into effect on the 1st day of July, 1885.

The amendment was agreed to.

Mr. WILLIS. Do I understand the gentleman from Massachusetts to demand the previous question?

Mr. LONG. I do.

Mr. WELLER. Regular order. [Cries of "Too late!"]

The SPEAKER *pro tempore*. The Chair thinks the gentleman is too late in making his demand for the regular order as against this demand of the gentleman from Massachusetts for the previous question upon the bill.

The previous question was ordered.

Mr. LONG moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. I called the regular order, and the Chair recognized me as thus doing. I desire to inquire if, under the rules, the Speaker

of the House can ignore that call and pass to the consideration of this bill, which requires unanimous consent?

The SPEAKER *pro tempore*. The gentleman made no demand for the regular order until the request for unanimous consent, submitted by the gentleman from Massachusetts, had been agreed to by the House and an amendment had been suggested and agreed to. The Chair thinks that the gentleman makes his objection too late. The previous question has been ordered on the motion of the gentleman from Massachusetts.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LONG. I ask unanimous consent, inasmuch as this bill was reported last year, that wherever the words "eighty-four" appear in the bill they be changed to "eighty-five."

There was no objection.

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

The latter motion was agreed to.

ELECTORAL COUNT.

Mr. EATON. I desire to take a concurrent resolution from the Speaker's table relating to the Presidential count of next week. It is a House resolution with Senate amendments. I think there will be no discussion.

The SPEAKER *pro tempore*. The gentleman from Connecticut rises to a question of privilege, involving the count of the electoral vote. The Chair asks that the House be in order, so that the gentleman may be heard.

Mr. EATON. I move to take from the Speaker's table a concurrent resolution which passed this House some days ago and went to the Senate, where an amendment has been made thereto. I ask for the consideration of the Senate amendment.

The SPEAKER *pro tempore*. The Clerk will report the amendment of the Senate.

Mr. KEIFER. I desire to ask the gentleman from Connecticut, is there any objection to concurring in the Senate amendment?

Mr. EATON. Not at all. There will be no discussion.

The Clerk read the amendment of the Senate, as follows:

In line 9, on page 1, strike out "one person to be appointed teller" and insert "two persons to be appointed tellers."

Mr. EATON. I desire to say just one word. My friend from Kentucky [Mr. CLAY] is the author of the resolution which passed the House. The amendment was made in the Senate upon the ground that since the organization of the Government there had always been two tellers on the part of the Senate. I am compelled to say that the Senate has not examined the matter thoroughly. There have been, up to 1868, but two instances where there were two tellers on the part of the Senate. Always, with two exceptions, there has been but one teller on the part of the Senate with two on the part of the House. But it is a matter of no significance whatever. Therefore I move that the House concur in the amendment of the Senate.

The amendment of the Senate was concurred in.

Mr. EATON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL ADVISORY BOARD.

Mr. COX, of New York. I rise to make a privileged report. I am instructed by the Committee on Naval Affairs to report back with an amendment the resolution which I send to the desk, and which was referred to the committee more than a week ago.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be requested to inform this House the amount that has been expended by the naval advisory board as the cost of the board; the number of employes and amounts paid each; the amount of salary drawn by the civilian members of said board and from what appropriation it was drawn, and the amount paid each member of board as traveling, mileage, or other expenses.

The amendment reported by the committee was read, as follows:

Also, what changes, if any, have been made from the original plan in hulls, boilers, machinery, &c., by the Secretary of the Navy and the advisory board of the ships Chicago, Boston, Atlanta, and Dolphin, and the cost of such changes in each case.

Mr. COX, of New York. I call the previous question on the adoption of the report.

Mr. REED, of Maine. Is the amendment in order?

The SPEAKER *pro tempore*. The Chair will examine it. [After a pause.] The Chair thinks the amendment is in order. It is a matter of inquiry.

The previous question was ordered.

Mr. COX, of New York, moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The amendment recommended by the committee was agreed to, and the resolution as amended was adopted.

Mr. COX, of New York, 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.

WEST VIRGINIA TROOPS.

Mr. GOFF. I ask unanimous consent to take up for present consideration the bill (H. R. 3462) for the relief of West Virginia troops, acting under the authority of the governor of the State. The bill has been reported with amendments.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HEWITT, of Alabama. I object.

ORDER OF BUSINESS.

Mr. RANDALL. I call up the unfinished business of yesterday.

The SPEAKER *pro tempore*. By agreement of the House made on yesterday, by unanimous consent, a private bill that had been called up by the gentleman from Tennessee [Mr. BALLENTINE] was to be considered this morning immediately after the reading of the Journal.

R. J. P. WHITE AND OTHERS.

The Clerk read the title of the bill, as follows:

A bill (S. 646) for the relief of R. J. P. White, Peter Hanger, and L. T. Green.

The SPEAKER *pro tempore*. The question is on whether the bill shall be read a third time.

Mr. HOLMAN. I believe the consideration of this bill was postponed to enable the chairman of the Committee on War Claims, the gentleman from Ohio [Mr. GEDDES], to consider the matter.

Mr. BALLENTINE. If the gentleman from Indiana will allow me, I will say that the chairman of the War Claims Committee has informed me this morning that he considered this bill as right and that these claims are just.

Mr. GEDDES. The statement of the gentleman from Tennessee is correct.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

SPECIAL AGENTS IN TREASURY DEPARTMENT.

Mr. HOLMAN. I rise to make a privileged report. I am instructed by the Committee on Appropriations to report back with an amendment the resolution which I send to the desk.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives a list of the names of the persons who were borne on the rolls of the Department as special agents on the 1st day of November, 1884; also, a list of those on said rolls as such special agents on the 2d day of February, 1885; said list to include the names of those borne on what is known as the fraud-rolls of said Department. Also to specify the names of those removed or discharged between said dates, and the cause or causes of said removal or discharge; also the names of those discharged and reinstated between said dates, and the reasons for their reinstatement.

The Clerk read the report of the committee, as follows:

The Committee on Appropriations, to whom was referred the resolution calling upon the Secretary of the Treasury for certain information touching the appointment and dismissal of special agents, having considered the same, report it back to the House herewith, and recommend its adoption, with the following amendment: In line 7 of said resolution, after the words "eighteen hundred and eighty-four," insert the following: "the 30th day of June and 1st day of July, 1883 and 1884, and the necessity for their appointment."

The amendment was agreed to.

The resolution as amended was adopted.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JULIO R. SANTOS.

Mr. STEWART, of Texas. Mr. Speaker, I rise to report a resolution which I think is in the nature of a privileged report.

The SPEAKER *pro tempore*. Does the gentleman from Texas [Mr. STEWART] rise to make a privileged report?

Mr. STEWART, of Texas. Yes, sir. It is a resolution in answer to an inquiry addressed to the Committee on Foreign Affairs, and I think it comes under the head of a privileged report.

The SPEAKER *pro tempore*. That is a privileged report. The Clerk will read it.

The Clerk read as follows:

Resolved, That the President be requested to take all necessary and proper measures to assure Julio R. Santos, an American citizen now imprisoned in Ecuador, a speedy and impartial trial, and to protect him in his life and his property.

Mr. STEWART, of Texas. Mr. Speaker, I demand the previous question on the adoption of this resolution as a substitute for the resolution on the same subject referred to the Committee on Foreign Affairs.

The substitute was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the mo-

tion of the gentleman from Texas [Mr. STEWART] that the report as amended by the substitute be adopted.

The motion was agreed to.

Mr. STEWART moved to reconsider the vote by which the report was adopted; and also moved to lay that motion on the table.

The latter motion was agreed to.

Several MEMBERS. Regular order.

EXECUTIVE COMMUNICATIONS.

The SPEAKER *pro tempore*. The regular order is demanded. The Chair will first ask the consent of the House to submit certain executive communications.

There was no objection.

UNITED STATES CONSULATE, IQUIQUE.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, inclosing a communication from the Secretary of State relative to the burning of the effects of the United States consulate at Iquique, Peru, and asking an appropriation to reimburse the United States consul; which was referred to the Committee on Appropriations, and ordered to be printed.

POWOW RIVER, MASSACHUSETTS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a report from the Chief of Engineers of a survey of Powow River, Massachusetts; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

COEUR D'ALENE LAKE AND RIVER.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, inclosing a report from the Chief of Engineers of an examination of Coeur d'Alene lake and river, and of Saint Joseph's River, Idaho; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

STATISTICAL ABSTRACT OF THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting the seventh number of the Statistical Abstract of the United States; which was referred to the Committee on Printing, and ordered to be printed.

LEAVE OF ABSENCE.

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

To Mr. GLASCOCK, for this day, on account of sickness in his family.

To Mr. BRAINERD, for this day.

To Mr. HOWEY, until 7th instant, on account of important business.

CHANGE OF REFERENCE.

On motion of Mr. ROSECRANS, by unanimous consent the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 8025) for the relief of Christian R. Purdum, Hervey E. Clark, John M. Lamb, and Julius C. Shainwald; and the same was referred to the Committee on the Public Lands.

On motion of Mr. ROSECRANS, by unanimous consent the Committee on Military Affairs was discharged from the further consideration of the bill (S. 1631) for the relief of John W. Blake; and the same was referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

AMENDMENT OF RULES.

Mr. RANDALL. Mr. Speaker, I call for the regular order.

The SPEAKER *pro tempore*. The regular order is called for. The regular order is the unfinished business of yesterday's session, which is the report made by the gentleman from Pennsylvania [Mr. RANDALL] from the Committee on Rules.

The question is upon the amendment offered by the gentleman from Ohio [Mr. KEIFER] to strike out the word "five" and insert the word "ten" as the number of members required to object in order to prevent the consideration of a bill.

Mr. WELLER. Mr. Speaker, can that report now be read for the information of the House?

The SPEAKER *pro tempore*. It may be in the absence of objection. If no objection be made, the Clerk will read the report.

Several members objected.

Mr. KEIFER. Mr. Speaker, I ask that the Clerk read that part of the report to which my amendment applies.

The SPEAKER *pro tempore*. The Clerk will read the clause which is proposed to be amended by the gentleman from Ohio.

The Clerk read as follows:

Strike out "five," before the word members, and insert "ten;" so that it will read, "and the bills and resolutions so designated shall be considered, unless objected to by at least ten members."

The SPEAKER *pro tempore*. The question is upon agreeing to the amendment of the gentleman from Ohio which has just been read.

The question was taken; and there were—ayes 117, noes 55.

Mr. YAPLE. Mr. Speaker, I call for the yeas and nays.

The question was taken on ordering the yeas and nays, and 26 members voted in the affirmative and 139 in the negative—not one-fifth of the last vote.

So the yeas and nays were not ordered.

The SPEAKER *pro tempore*. The question is on the adoption of the amendment of the gentleman from Ohio [Mr. KEIFER].

The amendment was agreed to.

Mr. KEIFER moved to reconsider the vote by which the amendment was agreed to, and also moved to lay that motion on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question recurs upon agreeing to the report of the Committee on Rules as amended, upon which the previous question is operating.

The report as amended was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KEIFER. A great many members would like to have this rule, as now amended, printed in the RECORD of to-morrow morning.

The SPEAKER *pro tempore*. If there be no objection it will be printed in the RECORD of to-morrow as amended.

There was no objection.

The resolution, as amended, is as follows:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart one hour for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, or bills favorably reported from the Calendars undisposed of, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered, unless objected to by at least ten members. But no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally divided between the supporters and the opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said one hour, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees, or to dispose of Senate amendments to bills which have passed the House.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

Mr. WILLIS. I move to dispense with the morning hour.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole on the state of the Union, my object being to call up the river and harbor bill. Pending this motion I move that all general debate in Committee of the Whole on this bill be limited to one hour and a half; and on that motion I call the previous question.

Mr. REED, of Maine. I hope that will not be done. The members of the Committee on Rivers and Harbors have not got through addressing the Committee of the Whole on the subject—

Mr. WILLIS. I think the committee will be liberal in this matter.

Mr. WASHBURN. I hope the gentleman will allow a little more time than an hour and a half. So far as I am concerned, I think the friends of the river and harbor bill on this side of the House—

Mr. WILLIS. What time does my friend from Minnesota suggest?

Mr. WASHBURN. I would say three hours and a half.

Mr. WILLIS. If the gentleman will say two hours, we can agree upon that.

Mr. HENLEY. Give them leave to print.

Mr. WILLIS. I will modify my motion so as to allow three hours for general debate; and upon that I call the previous question.

Mr. WASHBURN. So far as I am concerned, I believe it is the general disposition on this side of the House, certainly of those who are the real friends of a respectable river and harbor bill, to agree to three hours.

Mr. REED, of Maine. Is it understood that the members of the Committee on Rivers and Harbors resign their right to occupy this time? Because otherwise other members of the House, who have not had opportunity to be represented before the Committee on Rivers and Harbors, will have no opportunity to be represented before the House.

Mr. WILLIS. So far as one member of the committee can control the matter, ample time will be allowed in Committee of the Whole for speeches of ten, fifteen, or twenty minutes each. I will endeavor to consult the wishes of all sides of the House.

Mr. RANDALL. I object to any agreement at variance with the rule.

The SPEAKER *pro tempore*. The first question is on ordering the previous question on the motion of the gentleman from Kentucky [Mr. WILLIS] to limit general debate in Committee of the Whole on the river and harbor bill to three hours.

Mr. REED, of Maine. Do I understand it is arranged that members of the committee shall not occupy all this time?

The SPEAKER *pro tempore*. The Chair has no information upon that subject.

Mr. RANDALL. That is a matter to be regulated by the chairman of the Committee of the Whole.

Mr. REED, of Maine. But the chairman of the Committee of the Whole holds that the members of the Committee on Rivers and Harbors have the right to be heard first, and it looks as if they were not only to be heard first, but also to be heard last.

The SPEAKER *pro tempore*. The Chair will state to the gentleman

from Maine that in the absence of any agreement (of which the Chair knows nothing) the disposition of time in the Committee of the Whole would be regulated by the chairman of the Committee of the Whole.

Mr. REED, of Maine. But in determining this question it is very important the House should know how that recognition is going to be extended.

The SPEAKER *pro tempore*. The present occupant of the chair has no control over the proceedings of the Committee of the Whole.

Mr. REED, of Maine. I am aware of that; but the House has such control, and I want to bring the question to the attention of the House. If the House does not wish to control it, no one can find any fault.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

The question being taken; there were—ayes 139, noes 48.

Mr. REED, of Maine. I call for the yeas and nays on ordering the previous question.

The question being taken on ordering the yeas and nays, the yeas were 31—less than one-fifth of the last vote.

The SPEAKER *pro tempore*. In the opinion of the Chair the yeas and nays are not ordered.

Mr. REED, of Maine. I call for tellers on ordering the yeas and nays.

Tellers were ordered, 33 voting in favor thereof; and Mr. REED, of Maine, and Mr. WILLIS were appointed.

Mr. WILLIS. If the House will indulge me, in the interest of public business [cries of "Regular order!"] I ask whether three hours and a half—

Mr. REED, of Maine. Mr. Speaker, all I ask of the House is that we who are not members of the Committee on Rivers and Harbors shall have an opportunity to discuss this question. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Debate is not in order. The House is dividing.

The House again divided; and the tellers reported—ayes 44, noes 143.

So (one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 174, nays 72, not voting 77; as follows:

YEAS—174.

- | | | | |
|-------------------|------------------|---------------|------------------|
| Aiken, | Dorsheimer, | Ketcham, | Ryan, |
| Alexander, | Dowd, | King, | Singleton, |
| Anderson, | Dunham, | Kleiner, | Skinner, T. G. |
| Bagley, | Eaton, | Lamb, | Sloum, |
| Ballentine, | Eldredge, | Lanham, | Smalls, |
| Barbour, | Ellis, | Lewis, | Smith, A. Herr |
| Barksdale, | Ellwood, | Libbey, | Smith, H. Y. |
| Beach, | English, | Lovering, | Snyder, |
| Bennett, | Ermentrout, | Lowry, | Stevens, |
| Bisbee, | Evans, | McComas, | Stewart, Charles |
| Blackburn, | Fiedler, | McMillin, | Stockslager, |
| Blanchard, | Findlay, | Matson, | Strait, |
| Bland, | Follett, | Maybury, | Sumner, C. A. |
| Blount, | Foran, | Miller, J. F. | Sumner, D. H. |
| Boyle, | Forney, | Mills, | Swope, |
| Bratton, | Geddes, | Money, | Talbot, |
| Breckinridge, | Goff, | Morrill, | Taylor, J. M. |
| Brewer, F. B. | Graves, | Moulton, | Thomas, |
| Buchanan, | Green, | Muldrow, | Tillman, |
| Budd, | Greenleaf, | Murphy, | Townshend, |
| Burleigh, | Halsell, | Mutchler, | Tully, |
| Cabell, | Hardeman, | Neece, | Turner, H. G. |
| Caldwell, | Harmer, | Nelson, | Turner, Oscar |
| Campbell, J. M. | Hatch, W. H. | Nicholls, | Van Alstyne, |
| Candler, | Hemphill, | Oates, | Wait, |
| Carleton, | Henderson, T. J. | Ochiltree, | Wallace, |
| Clardy, | Henley, | O'Ferrall, | Ward, |
| Clements, | Herbert, | O'Hara, | Warner, Richard |
| Cobb, | Hewitt, G. W. | Paige, | Washburn, |
| Cosgrove, | Hill, | Parker, | Wemple, |
| Covington, | Hoblitzell, | Patton, | White, Milo |
| Cox, W. R. | Holman, | Peel, | Wilkins, |
| Craig, | Holmes, | Perkins, | Williams, |
| Crisp, | Holton, | Pierce, | Willis, |
| Culbertson, D. B. | Houseman, | Pryor, | Wilson, W. L. |
| Culbertson, W. W. | Howey, | Randall, | Winans, E. B. |
| Cutcheon, | Hunt, | Reagan, | Winans, John |
| Dargan, | Hurd, | Reid, J. W. | Wolford, |
| Davidson, | Jeffords, | Reese, | Wood, |
| Davis, G. R. | Johnson, | Rice, | Worthington, |
| Davis, R. T. | Jones, B. W. | Riggs, | York, |
| Deuster, | Jones, J. H. | Robertson, | Young. |
| Dibrell, | Jones, J. T. | Rogers, J. H. | |
| Dockery, | Jordan, | Rogers, W. F. | |

NAYS—72.

- | | | | |
|---------------|------------------|------------------|----------------|
| Adams, G. E. | Hanback, | Milliken, | Russell, |
| Atkinson, | Hardy, | Morgan, | Shively, |
| Bayne, | Hart, | Murray, | Spooner, |
| Bingham, | Haynes, | O'Neill, Charles | Springer, |
| Boutelle, | Henderson, D. B. | O'Neill, J. J. | Stephenson, |
| Brewer, J. H. | Hepburn, | Payne, | Stewart, J. W. |
| Brown, W. W. | Hiscock, | Payson, | Storm, |
| Browne, T. M. | Horr, | Peters, | Struble, |
| Burnes, | Houk, | Pettibone, | Taylor, E. B. |
| Cassidy, | Kean, | Phelps, | Taylor, J. D. |
| Collins, | Keifer, | Potter, | Tucker, |
| Connolly, | Lacey, | Price, | Wadsworth, |
| Converse, | Long, | Ray, G. W. | Wickfield, |
| Everhart, | Lyman, | Ray, Ossian | Whiting, |
| Ferrell, | McAdoo, | Reed, T. B. | Wilson, James |
| Finerty, | McCormick, | Rockwell, | Wise, J. S. |
| Funston, | Millard, | Rosecrans, | Woodward, |
| Guenther, | Miller, S. H. | Rowell, | Yaple. |

NOT VOTING—77.

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|-----------------|---------------|-----------------|----------------|
| Adams, J. J. | Davis, L. H. | Kelley, | Seymour, |
| Arnott, | Dibble, | Kellogg, | Shaw, |
| Barr, | Dingley, | Laird, | Skinner, C. R. |
| Belford, | Dunn, | Lawrence, | Spriggs, |
| Belmont, | Elliott, | Le Fevre, | Steele, |
| Bowen, | Fyan, | Lore, | Stone, |
| Brainerd, | Garrison, | McCoid, | Thompson, |
| Breitung, | George, | Mitchell, | Throckmorton, |
| Broadhead, | Gibson, | Morrison, | Valentine, |
| Brumm, | Glascook, | Morse, | Vance, |
| Buckner, | Hammond, | Muller, | Van Eaton, |
| Campbell, Felix | Hancock, | Nutting, | Warner, A. J. |
| Campbell, J. E. | Hatch, H. H. | Poland, | Weaver, |
| Cannon, | Hewitt, A. S. | Post, | Wellborn, |
| Chalmers, | Hitt, | Pusey, | Weller, |
| Clay, | Hooper, | Rankin, | White, J. D. |
| Cook, | Hopkins, | Ranney, | Wise, G. D. |
| Cox, S. S. | Hutchins, | Robinson, J. S. | |
| Cullen, | James, | Robinson, W. E. | |
| Curtin, | Jones, J. K. | Seney, | |

So the previous question was ordered.

During the roll-call,

Mr. WASHBURN moved by unanimous consent that the reading of the names be dispensed with.

There was no objection, and it was ordered accordingly.

The following pairs were announced from the Clerk's desk on all political questions until further notice:

Mr. MORRISON with Mr. SKINNER, of New York.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. ELLIOTT with Mr. VALENTINE.

Mr. DAVIS, of Missouri, with Mr. BRAINERD.

Mr. GARRISON with Mr. BARR.

Mr. CLAY with Mr. HOWEY.

On this vote—

Mr. SENEY with Mr. STONE.

Mr. VAN EATON with Mr. JAMES.

Mr. GEORGE D. WISE with Mr. STEELE.

Mr. WISE would have voted "ay" and Mr. STEELE "no."

For this day—

Mr. ADAMS, of New York, with Mr. WEAVER.

Mr. MULLER with Mr. HOUK.

Mr. CAMPBELL, of New York, with Mr. KELLEY.

The vote was then announced as above recorded.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The question recurs on the motion of the gentleman from Kentucky [Mr. WILLIS] to close general debate on the river and harbor bill in the Committee of the Whole House on the state of the Union at the end of three hours.

Mr. REED, of Maine. I demand a division on that question.

The House divided; and there were—ayes 97, noes 41.

Mr. HEPBURN. No quorum voting.

The SPEAKER *pro tempore*. The Chair will appoint as tellers Mr. WILLIS and Mr. HEPBURN.

Mr. HEPBURN. I will waive the question of no quorum.

The SPEAKER *pro tempore*. The yeas were 97, noes 41; and the point of no quorum having been withdrawn, the motion is agreed to. The question now recurs on the motion to go into committee for the purpose of considering the river and harbor appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN. The present condition concerning the debate is that on the Democratic side Mr. WILLIS, Mr. REAGAN, Mr. BLANCHARD, and Mr. GIBSON have been heard, and on the Republican side Mr. PRICE, Mr. THOMAS, and Mr. BAYNE. All of these are of the committee except Mr. PRICE. He has twenty-five minutes reserved, Mr. WILLIS twenty-five, and Mr. GIBSON twenty-two. At present the gentleman from Arkansas [Mr. BRECKINRIDGE] is entitled to the floor, he having the floor when the committee rose last week.

Mr. WILLIS. I feel, under the statement I made to the House, I should surrender my time, and I do so.

The CHAIRMAN. The Chair has made this statement with the desire there should be some arrangement agreed upon between gentlemen. There are many persons on the list of those who are on the committee and those who are not on the committee. While there is no positive rule on the subject, the custom is so uniform to recognize members of the committee, the Chair has felt it his duty to do so, alternating from side to side and from those favoring the bill to those opposing the bill. The Chair hopes that some arrangement will be made during the time the gentleman from Arkansas is speaking which will be satisfactory.

By order of the House general debate has been limited to three hours.

Mr. YOUNG. Mr. Chairman, does it appear from any memorandum before the Chair how much time the members of the Committee on Rivers and Harbors propose to occupy?

The CHAIRMAN. The Chair will state that every member of the committee had his name on the list, so far as the Chair remembers, ex-

cept one who is ill: The gentleman from Arkansas is entitled to the floor and will proceed.

Mr. BRECKINRIDGE addressed the House. [See Appendix.]

Mr. BRECKINRIDGE. Mr. Chairman, I ask unanimous consent that I be allowed ten minutes more.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] asks unanimous consent that his time be extended for ten minutes. Is there objection?

Mr. REED, of Maine. Mr. Chairman, I am ready to agree to allow the gentleman the extra ten minutes that he desires if the whole time can be extended ten minutes; but I fear that the gentleman himself [Mr. BRECKINRIDGE] voted for the restriction of the time.

The CHAIRMAN. It will be impossible to extend the time beyond the limit fixed by the House. Is there objection to the extension of time asked for by the gentleman from Arkansas [Mr. BRECKINRIDGE]?

Mr. WASHBURN. I object.

The CHAIRMAN. Objection is made to the extension of the gentleman's time, and the gentleman from Wisconsin [Mr. PRICE] is entitled to the floor.

Mr. PRICE. Mr. Chairman, when addressing the House a few days ago on this bill I gave a table of figures which I conceded to be imperfect, but claimed to be as nearly correct as could be arrived at in the few minutes that were allowed for examination after the bill was obtainable and before the debate opened.

I have carefully revised these tables, and shall by leave of the House print them as a part of my remarks:

States and Territories.	Amount.	States and Territories.	Amount.
Maine.....	\$67,000	California†.....	\$162,500
New Hampshire.....	22,500	Oregon.....	225,500
Massachusetts†.....	246,000	Pennsylvania†.....	97,500
Vermont.....	20,000	Virginia†.....	264,000
Rhode Island†.....	50,000	West Virginia.....	325,400
Connecticut.....	138,000	Montana†.....	6,250
Illinois†.....	221,000	Washington Territory†.....	16,500
New York†.....	316,500	Dakota†.....	11,250
New Jersey.....	172,500	District of Columbia†.....	150,000
Delaware.....	118,000	Arkansas*.....	127,500
Maryland.....	87,000	Missouri*.....	9,000
North Carolina*.....	112,000	Tennessee*.....	302,250
South Carolina*.....	179,500	Kentucky*.....	312,250
Georgia*.....	140,500	Indiana.....	57,500
Florida*.....	173,750		
Ohio†.....	207,500	Reservoirs.....	6,791,600
Mississippi*.....	59,000	Hennepin Canal.....	35,000
Alabama†.....	395,750	Ohio.....	300,000
Louisiana†.....	279,500	Missouri.....	475,000
Texas*.....	1,012,500	Mississippi, above Cairo.....	540,000
Michigan†.....	438,700	Mississippi, below Cairo.....	880,000
Wisconsin†.....	212,000		2,940,900
Minnesota.....	50,000		
Iowa†.....	5,000	Total.....	11,961,600

*Southern States. †States represented on committees.

To briefly restate some of these figures may serve to awaken an interest on the subject that will assist in settling intelligently and fairly the question before us.

The whole sum to be appropriated is \$11,961,600, besides providing for some surveying, &c., at an unknown cost. Of this sum there is to be expended: For reservoirs, \$35,000; for Hennepin Canal, \$300,00; for improvement Ohio River, \$475,000; for improvement Missouri River, \$540,000; for improvement Mississippi River, \$3,820,000, of which \$2,940,000 is to be expended below Cairo, and \$880,000 above Cairo. In thirteen Southern States, with a population of 15,254,115, there is to be expended the sum of \$3,683,900; and in twenty-five Northern States and Territories, with a population of 32,826,584, there is to be expended \$3,107,700.

These sums last named are outside of the appropriations for the improvement of the Mississippi, Missouri, and Ohio Rivers, and for the reservoirs at the head of the Mississippi, and for the Hennepin Canal. The average appropriation to these States South is \$283,337, and the average to the Northern States mentioned in the bill is \$124,308; difference, \$159,029 on an average, or over half a million more for the thirteen than for the twenty-five; or, on a population of 15,254,115, more than for a population of 32,826,584.

One extraordinary item is the sum of \$1,012,500 for the State of Texas, and a part of that is one item of \$750,000 for improving Galveston Harbor, which, it is claimed by its friends, is to be the initial step toward the expenditure of \$3,000,000 or more on said harbor. But in a very eloquent argument made on Saturday by the gentleman from Louisiana [Mr. BLANCHARD] in favor of this appropriation, he made the startling announcement that "Galveston shipped annually 800,000 bales of cotton;" and being asked how many tons that would make, he answered, "Count it yourself, at five hundred pounds per bale." I understand, but I may be mistaken, that in that condition cotton is worth about 10 cents per pound; and, if so, that whole matter of commerce is but \$40,000,000.

While we are dealing in figures I desire to submit a few on other matters that may very properly be considered in this connection. The States having a representation by one of their own members on the

Committee on Rivers and Harbors get, on an average, \$233,140, while those not so represented, and named in the bill, get by its provisions \$149,750 on an average, or \$83,390 less than the others. These facts and figures tell their own story, but when interpreted by a few more figures, which I now propose to submit, I think gentlemen on both sides of this House, who mean to be fair, will admit that this manner of discussion is legitimate, as there is a clear discrimination against one part of the country and in favor of another. To-day we stand confronted with the fact that in this Chamber there are but 17,000 and a fraction of votes behind every member who represents one of the late insurrectionary States—I mean on an average—while in the other States of the Union there is a fraction of over 27,000 votes behind each member of this body on an average. I get my authority for this statement from the Congressional Directory of the Forty-eighth Congress; and the same inequality holds good in the electoral college.

Again, it cost this Government for the year 1884, to pay the expenses of the United States courts in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, with an aggregate population of 12,990,246, the sum of \$1,020,184.36; while for the same purpose for the States of Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, with an aggregate population of 26,239,010, the cost was only \$751,087.19. In other words, for the same purpose, and for half the population, it cost the Government \$847,389.20 more in the South than it did in the North. I submit that it is perfectly proper to consider all of the foregoing facts in connection with this bill. Every member of this House, and every tax-payer in the country, has a right to inquire where the revenues are being expended, and how, and by whom.

I fully concur with the gentleman from Texas [Mr. REAGAN] and the gentleman from Ohio [Mr. EZRA B. TAYLOR] that sectional considerations should not control these appropriations; and it is because I so believe that I oppose this bill in its present form.

Let me illustrate: For two different improvements in the Chippewa River, in the State of Wisconsin, the Government engineers reported that the sum of \$55,000 could be judiciously expended; and the committee insert in this bill the sum of \$13,500 to cover both; and I was told by a member of the committee that it had adopted a rule to recommend 25 per cent. of the recommendations of the engineers.

Looking at this bill, I find that in the Northern States, particularly Michigan, Wisconsin, and some others, this rule has been inflexibly enforced or the amount recommended in such instances falls below the percentage named. In none of these instances has this percentage been exceeded. I have no objection to the rule, but let us see how it is applied and how it works.

Mr. WILLIS. Will my friend allow me to say in one second—
Mr. PRICE. I yield for one second.

Mr. WILLIS. As to political votes in the committee, I will state here in the presence of every member of the committee that there has never been any division in the committee politically since its creation. Further I will say that of the fifteen members of the committee (unless you count me as a Southern member) twelve are from the North and three from the South. As to the States of Michigan and Wisconsin, both of them have representatives on the committee.

Mr. PRICE. It is a matter of the most profound indifference to me whether the fraud has been perpetrated by Northern or by Southern men. It is sufficient for me to know that the bill is unequal in its provisions, sectional in its character, and as such should be rebuked by the House.

Mr. OCHILTREE. Will the gentleman yield for a question?

Mr. PRICE. I must decline to do so, though I would like very much to oblige the gentleman. The other day when I occupied the floor for a brief period I allowed my time to be frittered away by interruptions, but on a subsequent day when I sought from a gentleman, who after consuming an hour had his time extended, the privilege of making one single remark which would have saved the consistency of his record and relieved me from the necessity of making a correction of it to-day, he deliberately refused me that opportunity. I must decline, in my brief time, to be interrupted.

Last summer an extraordinary flood occurred in the Chippewa River which created an impassable bar in it, and I asked that an additional sum might be appropriated for its removal. I was told that I could not get it, because the committee would not entertain a proposition to appropriate for any work not recommended by the engineers.

Through the courtesy of a member of the committee, General HENDERSON, of Illinois, I succeeded in getting them to amend the bill so as to include the work on the bar with the work on the Yellow Banks and the jetties at the mouth of the river; but I was held inflexibly to the \$13,500 to make these three improvements, when \$55,000 was recommended by the engineers for two of them, and this, too, upon a river upon which a line of steamboats plies and that has a lumber commerce alone of \$10,000,000 annually.

For the improvement of the Superior Harbor the engineers recommended an appropriation of \$50,000, but the committee, adhering to their "rule," give that improvement in this bill \$12,500, or 25 per cent. The engineer in charge has also sent a supplemental report, in which

he recommends a further appropriation of \$70,000 to improve the Saint Louis River at Superior, which is really a part of the Superior Harbor, and on this I get nothing by this bill. Is it due, however, to the committee to say that I do not know whether or not they were in possession of this supplemental report. I could not get to them to tell them of it, and the Wisconsin member of that committee was prostrated on a bed of sickness.

The committee did graciously permit by the bill an expenditure of a part of the \$12,500 which was for the Superior Bay on the work in Saint Louis Bay. Thus we have \$12,500 appropriated instead of \$120,000 recommended by the engineers, or \$17,500 less than 25 per cent. on such recommendation of the engineers.

I am not appealing to the House on sectional grounds, but I could show if I had time that the commerce of that section of the country towers away above and overshadows the entire commerce of the city of Galveston; and that while the rule laid down by the committee was rigidly enforced in the North it was not enforced as to the South.

Mr. REAGAN. Will the gentleman allow me just a moment?

Mr. PRICE. Nothing would give me greater pleasure; but I can not afford to yield unless my time can be extended.

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. PRICE. No, sir. As suggested by a friend near me, I must "say no, and go on."

At the head of Lake Superior, and on the Wisconsin side, there are now two railroads and three more are being built. There is one coal dock which will hold one hundred and twenty-five thousand tons. A cattle company owning large herds in Arizona and elsewhere are commencing to ship cattle from the great Northwest by way of Superior to the seaboard. They have stabling enough to shelter and are now wintering six hundred head at that place for shipment East in the spring, and they are so well satisfied at present with the experiment that many thousand will go East by way of Superior next year, and thus avoid the more unhealthy Southern routes heretofore used. There is no power to foresee the future commercial prosperity of the head of Lake Superior.

The following letter from Lieutenant-Colonel of Engineers O. M. Poe, in relation to the present and future of the Sault Saint Mary's Canal will give some idea of the commerce of these lakes, when it is remembered that most of the commerce of the canal has to pass the head of Lake Superior:

UNITED STATES ENGINEER OFFICE,
Detroit, Mich., January 8, 1885.

SIR: In my annual report for the fiscal year ending June 30, 1884, I submitted a project for the enlargement of Saint Mary's Falls Canal, including the construction of a new lock in place of the two old ones, and urged the matter in terms as strong as seemed proper.

It was stated that the commerce through the canal during 1883 was 2,042,295 tons (registered); that the annual increase in tonnage for fifteen years had been quite uniform, averaging 107,313 tons per year; that only 11 per cent. of the vessels passing the canal during 1883 were of sufficiently light draught to admit of their passing through the old locks; and that if these figures were maintained for eight years the present lockage system, although in constant operation, would be insufficient to take care of the shipping.

We now have complete returns for the season of 1884, and the annual increase in tonnage has not only been maintained but largely exceeded; that is to say, the registered tonnage passing through the canal during the season of 1884 was 2,997,837 tons, an increase of 955,578 tons, or nine times the average annual increase for the preceding fifteen years. Or, to state it possibly with greater force, this increase in 1884 is equal to the entire commerce through the canal during the first five years it was open to navigation.

Should this rate of increase be maintained, the full capacity of the lockage system will be reached within four years instead of eight, as estimated in the annual report.

The following table affords the means of comparing, in detail, the business of the canal during the season of 1884 with that of 1883:

Comparative statement of the commerce through Saint Mary's Falls Canal, Michigan, for the seasons of 1883 and 1884.

Items.	1883.	1884.	Increase.	Percent- age.	Decrease.	Percent- age.
Vessels.....number...	4,315	5,689	1,374	32		
Lockages.....number...	2,351	3,074	723	31		
Tonnage...registered...	2,042,259	2,997,837	955,578	47		
Tonnage...freight...	2,267,105	2,874,557	607,452	27		
Passengers.....number...	39,130	54,214	15,084	39		
Coal.....tons...	714,444	706,379			8,065	1
Building stone.....tons...	2,405	6,047	3,642	151		
Copper.....tons...	31,024	36,062	5,038	16		
Flour.....barrels...	687,031	1,248,143	561,112	86		
Grain.....bushels...	6,677,025	12,502,894	5,825,869	87		
Iron ore.....tons...	791,732	1,136,071	344,339	43		
Lumber.....feet, B. M....	87,131,000	122,389,000	35,258,000	40		
Pig and manufactured iron.....tons...	109,910	72,428			37,482	66
Salt.....barrels...	70,898	144,804	73,906	104		
Silver ore.....tons...	814	9,731	8,917	1,095		
Unclassified.....tons...	191,571	207,173	15,602	8		

Canal opened April 23 and closed December 10, 1884, being open to navigation 232 days.

Canal was opened during season of 1883 224 days.

The increase in registered tonnage was 47 per cent.; in grain, 87 per cent.; in flour, 82 per cent., and in iron ore 43 per cent.

These are the great staples (although a notable increase in the lumber traffic

was developed), and indicate the direction from which future increase must be expected.

It will be principally from the cereal products of the Northwest, through the systems of railways terminating on Lake Superior.

It is stated in the commercial columns of the newspapers that there are now stored at Duluth alone nearly 5,000,000 bushels of grain, and that this will be increased to more than 7,000,000 by the time navigation opens.

And yet this bill treats that section as though it were unworthy of consideration. I am in favor of a just and liberal appropriation bill; one that will include within its provisions all rivers and harbors which are of national importance, and want it as nearly equal sectionally as the commercial interests of the whole country will warrant. Not that I suppose that our rivers will ever be the arteries through which will flow the bulk of our commerce, but if no ton should ever be carried on their broad bosoms to the seaboard, when so improved as to make their navigation practicable and certain, they serve as about the only check on the rapacity of those who control the other avenues, because they are the only highways with which others can not "consolidate."

In the preparation of this bill the committee applied the principle of giving 25 per cent. only of the recommendations or estimates of the engineers in the North generally I believe—in my own district I know—and then fell below that. Another rule they adopted for their government I believe (and you must recollect that if I am wrong it is because my sources of information as to their purposes were extremely limited, as I could not get to talk with the committee) was to make no appropriation for new work or work not recommended by the Engineer or War Department. These rules were inflexible in the section where I am most interested, but became flexible and elastic under the balmy breezes of a milder clime.

I do not call attention to these inequalities to embitter the feelings of any member on this floor or of any American citizen, but to prevent a repetition of them, and awaken such attention to their existence as will insure their being remedied.

It is said this is an "era of good feeling." It ought to be. I want it to be. But my friend must be just; he must recognize my right to be his equal. I claim no superiority, and I can not without an earnest protest recognize the justness of these matters to which I have referred; nor can I consent to vote for this bill as it now stands, as it is clearly discriminating against sections and interests. Strike from it some of its most odious provisions and I will heartily support it and join with gentlemen from every section and of every political party in this or any other measure the tendency of which will be to make this what the God of nature intended it to be, the freest and most prosperous nation on the globe.

But our Government can never reach its full measure of usefulness unless the law-making power shall vest in men broad enough and honest enough to legislate with a wise and impartial reference to all sections, all interests, and all classes; until they come to be guided by the sole consideration that they are not so much the agents of a party as the agents of the people; until they study less how to place the opposite party in a bad attitude before the country by trapping them into doing badly and plan more how they may themselves do better; until we disentrail ourselves from the senseless and infernal system of rules with which we have shackled and manacled ourselves.

To-day, if some mischievous wag should secrete at some place in this Chamber a parrot who had been taught the one word "object" (and a parrot could be taught to say that), the proceedings of this House could be brought to a standstill "under the rules," and "under the rules" I venture the opinion that not one member out of every twenty-five can become familiar with the several subjects upon which he is called to cast his vote, and that not one in fifty does have a clear idea of what is going on around him from day to day.

Gentlemen speak lightly of an expenditure of a dozen million dollars when we have not got nor have we the present means of getting 25 per cent. of what we honestly owe to men who have done work for the Government or to whom we have become indebted. There is an army of them. They crowd the corridors of the Capitol; they intercept and importune members of the committees; they plead and have been pleading for long years for simply their rights. In some cases the representatives of the third generation are growing gray in a vain attempt to induce Congress—this Congress—to pay a debt due to their great-grandfathers; and we do not deny the debt, do not even apologize for not paying it, but with a yawn we turn away and jangle through a day's session over the question of how the "rules" should be interpreted, or what particular committee shall have jurisdiction of a bill, or what particular measures shall be considered first. And all this time we are without coast defenses, without a navy, without a merchant marine. All over our land there are men dying broken-hearted in poorhouses, or in homes made wretched by poverty, who wrecked their lives and their fortunes in defense of the integrity of this country. Yet we stand here from day to day quarreling over the question of how we will adjust the manacles we have forged for ourselves and are voluntarily wearing.

I call attention to these matters not for the purpose of uselessly complaining, not for the purpose of wounding, but with the faint hope that it may have a tendency to remedy the wrongs; to induce to such action as will demonstrate to the country that we are willing to sink the partisan in the patriot; to think less of North or South and more

of the whole country; to mete out equal and exact justice to all sections and all classes; to make an immediate and earnest effort to pay our just debts; to stimulate trade and commerce alike in all sections of our common country, and not waste millions on experiments or unjustly tax the industry and thrift of one section to encourage the idleness or unthrift of another.

I agree that locality alone should not govern in this appropriation, and I go further and say that in my judgment that should not be the controlling consideration; but I think neither of the members of this committee nor any other member will deny what I claim, that it is perfectly proper to consider this question, making it subordinate to the general commercial wants of the country; and I can not forget that the eighth Congressional district of Wisconsin, where the Mississippi with all its mighty volume of commerce laves the shores of four counties, the Saint Croix River the shores of five counties, and Lake Superior two more, while it is traversed by the Chippewa and the Black Rivers with an annual commerce of \$12,000,000, gets under the provisions of this bill \$33,000, when the recommendation of the engineers is \$202,500, one-fourth of which is \$50,625; so that instead of giving us one-fourth of the amount of the engineers' recommendation we receive \$17,625—less even than 25 per cent.

No man can more highly appreciate the importance of improving our water ways than I do. It is not this principle I am combating; it is the gross inequalities apparent in the bill, and the extravagant expenditure of money that we can ill spare on schemes that are impracticable and visionary, that I am opposing.

The gentleman from Louisiana [Mr. BLANCHARD] stated that Galveston was the "second cotton port in the United States." I hold in my hand a book belonging to the national Library entitled Cotton Facts, edition of October, 1884, which gives the annual cotton exports from the several United States ports since 1873; and if the statements of this book are true the gentleman's statement is incorrect, as I find that the average annual exports for the years 1873-'74 to 1883-'84, inclusive, to be as follows:

	Bales.
New Orleans.....	1,430,000
New York.....	539,000
Savannah.....	397,000
Galveston.....	328,000
Charleston.....	317,000

So that Galveston is not the second cotton port, as stated by the gentleman, nor is it even the third, but it is the fourth.

The gentleman stated also that the annual receipts of cotton at that port aggregate about 800,000 bales. In this the gentleman is still more widely mistaken if this book is correct, as it states the annual export to be but 328,000 bales for the last eleven years, and but 371,000 bales last year, and in the last eleven years it never reached in any one year a greater amount than 521,000 bales.

This reference to the mistakes of the gentleman is intended to prove two things: First, that the magnitude of the commerce of Galveston has been overrated in a manner which, if not corrected, would have a tendency to deceive the House; and second, to show that the bill presented to us for our indorsement has been illy digested and imperfectly considered.

Compare for a moment Galveston in the South with Superior in the North. Superior, in 1883, was entered by ten vessels with a registered tonnage of 7,734 tons, discharging at that port 9,750 tons of coal alone. In 1884 ninety-seven vessels, with a registered tonnage of 58,000 tons, discharged at that port 83,480 tons of coal alone. The recommendation of the engineers for this port was \$120,000, and this bill gives it \$12,500. The recommendation of the sums that can be profitably expended during the next year for a ship-canal in Galveston Bar is \$500,000, and this bill gives it \$750,000.

The gentleman further states that Wisconsin has no cause of complaint, as in the aggregate appropriations she is next to New York and Michigan, and stands third on the list. A reference to the bill will prove that Wisconsin stands thirteenth in the list as to amount.

But I am charged with making this a "sectional question." I deny and resent the statement. A bill formulated in a committee with closed doors, discriminating against the States having no immediate representation on the committee, discriminating against a section by overriding every consideration growing out of the volume and needs of commerce and of the recommendations of the engineers, is presented to us, and we are asked on a three hours' debate to crystallize it into a law, scarred and marred all over as it is with sectionalism. And because I have pointed out a few of these unjust provisions I am charged with making the discussion sectional. If I found a neighbor making off with my property and I should attempt to intercept him would I be justly chargeable with inciting a quarrel? I yield to no man in a desire to see all sectional considerations ignored in this House or elsewhere, and it affords me a melancholy pleasure to indorse, in closing, one-fourth of the statement made by the gentleman from Louisiana [Mr. BLANCHARD], when he said he knew "No North, no South, no East, no West." He certainly knows no North.

Mr. STONE obtained the floor.

Mr. REAGAN. I ask the gentleman from Massachusetts [Mr. STONE] to yield me one minute.

Mr. STONE. I will do so.

Mr. REAGAN. I desire only to say one word in response to the sectional argument which has been made by the gentleman from Wisconsin [Mr. PRICE]. He opposes this bill because, as he claims, it is sectional. What is the fact? The records of the War Department show that there has been appropriated for the improvement of rivers and harbors of the State of Wisconsin \$4,659,541. The records of the same Department show that the eight States of Tennessee, South Carolina, Mississippi, Louisiana, Kentucky, Florida, Arkansas, and Alabama have received in the aggregate \$332,140 less than the amount received by the single State of Wisconsin. Yet that State, through her Representative, now talks about sectionalism. [Applause.] The figures are as follows:

Tennessee.....	885,500
South Carolina.....	963,000
Mississippi.....	377,900
Louisiana.....	245,400
Kentucky.....	457,000
Florida.....	760,350
Arkansas.....	316,500
Alabama.....	1,091,751

Total for eight States..... 4,317,401

Wisconsin alone..... 4,659,541

Mr. STONE. Mr. Chairman, as under the order adopted by the House this debate is limited to a short time, I will not undertake to speak at large, as I had hoped to do, upon the general merits of this bill. I will merely occupy a few minutes in explaining that item in the bill in which I am especially interested, and which has been particularly alluded to by two or three members who have already taken part in the debate. I allude to the item which proposes an appropriation for the establishment of a first-class national harbor upon the Atlantic coast at a place in Massachusetts called Sandy Bay, at the extreme end of Cape Ann.

By the action of Congress at its last session the Secretary of War was authorized to commence the construction of such a harbor at this place, provided that a board of engineers to be appointed by him should upon examination find that this location—Sandy Bay, Massachusetts—was the best point on the coast between Boston and Portland for such a harbor.

The provision in the bill of last year passed without exciting any opposition. It was thoroughly considered in the committee before being reported to this House, and inasmuch as it proposed the commencement of a large work—the establishment of a harbor which will cost four or five million dollars—it was considered right and judicious on the part of the committee not to embark upon the enterprise until the board of engineers had made an examination and passed upon the question of location.

In pursuance of the authority thus vested in the Secretary of War a board of engineers was appointed, who examined the coast and made a report to the War Department. In their report this board of engineers find distinctly that the location at Sandy Bay is the best point on the coast between Boston and Portland for such a harbor.

The language of the bill last year which authorized this examination by the board of engineers was as follows:

Constructing a national harbor of refuge of the first class at Sandy Bay, Cape Ann, Massachusetts, \$100,000: *Provided*, That a board of three engineers, to be appointed by the Secretary of War, shall decide that this point is the best location on the coast between Boston and Portland for such a harbor that shall serve all the uses for which it may be needed.

In drafting that provision I had in my mind not only the establishment of a first-class harbor of refuge which would meet the demands of commerce and humanity, but I had also in my mind what I believe it the duty of this Government to consider, the value and importance of such a harbor possibly in the future as a military or naval station in case of foreign complications. The question having been thus submitted to the engineers, they found in their report, as I have stated, that Sandy Bay was the best location.

Mr. HERR. Will the gentleman state just where Sandy Bay is?

Mr. STONE. Sandy Bay is upon the extreme eastern end of Cape Ann, on the eastern shore of Massachusetts, which projects into the sea from ten to fifteen miles beyond the ordinary contour of the coast. It is in all respects, as the engineers have reported, a very desirable and strikingly suitable situation for the establishment of a harbor of this description. But while the engineers found, as I have stated, that that was the proper location, for some cause which is unexplained, having passed upon the question submitted to them, they then went beyond their authority, and considered the question whether or not it was for the interests of commerce that a harbor of the first class should be established at that point, and upon that question they have written a very long and full report. In that report they argue that while this is the best location for such a harbor, yet the needs of commerce would be met and satisfied by a harbor of the second class in that neighborhood, in connection with the work which they recommend shall be done in a harbor ten miles from there, the harbor of Gloucester.

Now, Mr. Chairman, it is because of that report in which the engineers have passed upon another question, to wit, whether or not the needs of commerce will be satisfied if a harbor of another class be estab-

lished near there, that there appears to be here and now in this House a difference of opinion on the part of some members of the committee in regard to the expediency of this item of appropriation. But gentlemen will observe—and I ask the attention of the House to this point—that the question of the expediency of this appropriation and the question of the convenience and the necessity of such a harbor was the very first question that was discussed by the board of engineers. Before the question came to this House at all as a subject of appropriation, General Thom, who was the chief of the engineers of that section of country, was requested to examine this point as a preliminary step, and upon such examination he reported to the Secretary of War (who transmitted the report to Congress) that there was great need for a harbor of refuge upon the coast in this vicinity, and that in his judgment this was the proper point for it, and also that it was a work of great importance and of public necessity.

So that, as to the question of public necessity, that was passed upon and distinctly reported upon to Congress by General Thom.

Now, these engineers, by what authority I do not know, have attempted not only to instruct this Congress upon the question submitted to them, to wit, the question of location, but they have attempted also to instruct this Congress in regard to a subject as to which their opinion was not asked, and in respect to which, so far as I know, by reason of their history and antecedents, they have no special qualifications to speak. They are a board of engineers representing the executive department of the Government, but why they found it convenient to enter upon another question which belongs especially to us, the legislative branch of the Government, to wit, the question whether or no the commercial needs of the country and the demands of humanity and of commerce require such a harbor, I do not understand; because that question is for us, and not for any board of engineers that this Government may happen to employ or control.

I will read a few words from this report, which is dated December 24, 1884. In the report the engineers begin by asking, What does Congress mean when it asks us to decide whether this is the best location? That is the question that these engineers gravely and honestly raise. What does Congress mean when it says that it will establish a national harbor of refuge at Sandy Bay (I read now the very words):

Provided, That a board of three engineers, to be appointed by the Secretary of War, shall decide that this point is the best location on the coast between Boston and Portland for such a harbor that shall serve all the uses for which it may be needed.

This board of engineers begin by asking what Congress meant when it submitted that question to them. Then, having said that, they proceed to dismiss in a few words one part of the question submitted, namely, whether or not this is the best place on the coast between the points named for such a harbor for all the purposes for which it may be needed. They perceive that in that phraseology the question of the value of this point as a military or naval station is involved, but they do not devote any thought to that question, but dismiss it by saying that they do not think it is worthy of consideration. So that this board of engineers dismiss without thought or consideration one element of the question submitted to them, and then, having in a few words decided upon the question of location, to the effect that there was no doubt about the suitability of this point, they then proceed to discuss a question which was not submitted to them at all. This is the posture of this board of engineers, declining to deal with one relation of the question which was submitted to them, and introducing and discussing another question which was not before them.

Now what do they say? They say that, in their judgment, such a harbor is not needed, and that the wants of commerce can be met by establishing a second-class harbor at a place between Thatcher's Island and Milk Island, which is a point about two miles from what is called Sandy Bay, and by expending also a million and a half of money in the improvement of a harbor eight or ten miles distant called Gloucester Harbor. So that the engineers virtually say to Congress: "In our judgment, instead of building a first-class harbor at Sandy Bay, we recommend that you shall build a second-class harbor between Thatcher's Island and Milk Island, and also expend another million and a half on Gloucester Harbor, about ten miles off; and, in our judgment, such an expenditure will be less by one-half than what you propose to expend on this harbor at Sandy Bay, while we believe that the wants of commerce will be equally well met and satisfied."

Now I submit, Mr. Chairman, that there is no one in this House who has greater regard for the ability and intelligence of the Corps of Engineers, when dealing with subjects within their province and matters coming properly before them, than I have, but when they attempt to instruct Congress on a subject, especially a legislative one, and not in any sense an executive one, they exceed their authority.

Mr. STEELE. I understand you then to hold the position that you think a great deal of the engineers' report where they make recommendations to suit you, but when they make recommendations to the contrary of what you desire, then you do not think much of the engineers' report? [Laughter.]

Mr. STONE. No; I did not say that. I said this, that I thought a great deal of the Corps of Engineers when they were dealing with matters within the province of their duties, but that when they at-

tempted to deal with matters outside, then it is gratuitous, unauthorized, and entitled to no respect whatever.

Mr. STEELE. I understand these engineers do not recommend a harbor they can not get into.

Mr. LONG. They do not claim they can not get into it.

Mr. STEELE. Well, that it is dangerous to get into it.

Mr. LONG. No.

Mr. STEELE. Gentlemen of the committee inform me they do claim that.

Mr. STONE. Now, Mr. Chairman, I wish to refer to this report in another relation. When this matter came before the last Congress, owing to a remark made by Major Raymond, who made a long and elaborate report, in which he spoke of some ledges in the neighborhood, the criticism was made that this harbor might not be found accessible in times of rough weather, and therefore would not be of value; but Major Raymond afterward wrote a letter to the committee, in which he said he wished to change his opinion, because that difficulty could be corrected by establishing a light-house on a certain point on a dry reef outside of the harbor.

Upon this point the report of the engineers is valuable, and to this I ask the attention of the gentleman from Indiana [Mr. STEELE]. When the board of engineers came to deal with the question of the best location for a first-class harbor, if they had considered the remark made by Major Raymond in his first report of any importance they would have said so, and would have reported against this location because of this difficulty; but, on the contrary, they were unanimously in favor of Sandy Bay as the place of all others for a first-class national harbor; and I commend this part of the report to Major STEELE as a conclusive answer to his suggestion that the harbor would be inaccessible.

Again, they say in their report, and to this I ask the attention of the members of the committee for a few minutes, that the wants of commerce will be met by a second-class harbor. Now I do not believe that any member of this House who has given the subject of commerce any attention, who has carefully considered what is taking place in Europe to-day, who has carefully considered what they are doing across the water, or has carefully considered what we are doing in our own country, would advise for a moment that this Government should spend a million and a half of dollars on the Atlantic coast to establish a second-class harbor.

Why, Mr. Chairman, what has the Government been doing all along the Atlantic coast for the last fifteen years? Nothing but making second-class into first-class harbors; and the needs of commerce to-day are such that a second-class harbor is comparatively of no value. We are expending millions of dollars all along the Atlantic coast, from the mouth of the Mississippi River to Eastport on the extreme east, in changing second-class harbors to first-class harbors; and why do we do it? In 1853, only thirty years ago, you might take up Lloyd's Register of American and Foreign Commerce, and you could not find registered in that whole register of more than 10,000 ships more than five American ships drawing over twenty feet of water.

Mr. HERR. What is the difference between a first-class harbor and a second-class harbor?

Mr. STONE. I will explain. That question is asked by these engineers.

Mr. HERR. Does it depend on the depth of water?

Mr. STONE. These engineers ask that question with a singular exhibition of innocence. These engineers, whose duty it is to know all about rivers and harbors, gravely ask what is a first-class harbor.

Now let us see what Mr. Nimmo says—Mr. Nimmo, the head of the Bureau of Statistics. I have not the report before me now. I thought I had it. But Mr. Nimmo made a report in which he states the accepted classification in this country as well as abroad, that a first-class harbor is a harbor that accommodates vessels of the largest size and drawing over twenty feet of water; that a second-class harbor is a harbor that accommodates vessels drawing between fifteen and twenty feet of water, and that a third-class harbor includes all harbors that accommodate vessels drawing fifteen feet of water or less. That is the classification adopted in other countries as well as here by those dealing with the subject. But these engineers undertake to advise this Congress to make a second-class harbor in Massachusetts and to expend more than a million of dollars on it. They do not know, apparently (and I say it respectfully), what are the commercial needs of the country in this respect. Why do you spend millions of dollars—and I ask my friend from New York [Mr. POTTER] the question—why do you spend millions of dollars in New York to deepen the channel of that harbor, to get twenty-five or thirty feet depth? It is because you know that commerce is demanding it, and that twenty feet is not sufficient for the present demands of the commerce of the world.

Now, Mr. Chairman, if this Government is to engage in this enterprise let it establish a harbor upon the coast equal to all the demands of commerce and humanity, and which will be an honor and a credit to the American people. They should put one there to meet all of the conditions of a first-class harbor, and there is no point on that entire coast between Boston and Portland—and on that the committee agree—that can be compared with Sandy Bay for the purpose of establishing a magnificent harbor. It has all the water you can need; it is

free from silt, from ice, from currents of every description, and it is in the immediate neighborhood of a number of granite quarries, out of which abundant material can be obtained at a nominal expense of 40 or 50 cents a ton, when the same material if sent to South Carolina or to Mississippi would cost at least four or five dollars a ton.

Mr. BOUTELLE. May I interrupt the gentleman a moment to ask whether copies of that report to which he referred are available?

Mr. STONE. I presume they are; I have no doubt they are. They were furnished to Congress.

Now, Mr. Chairman, I want to show in as few words as I can what this Government is doing. As I have said already, in 1853 out of 10,430 vessels there were only five drawing over twenty feet of water. In 1878 we had one hundred and fifty-seven on Lloyd's register drawing over twenty-three feet of water, and the harbors of New York and Portland, in fact all of the great harbors of the coast, are demanding improvements which will give a depth of thirty feet of water to meet the demands of the large vessels that carry the commerce of the world.

You are building steamboats of 8,000 tons capacity; you are crossing the ocean in six days; you are nearer practically to England to-day than you were thirty years ago by one-half, and you have got to protect your coast, and to legislate for the possible demands of the future. These things must be kept in mind in dealing with this subject of river and harbor improvements.

I submit, Mr. Chairman, that it is only the part of wisdom—of true wisdom on the part of this Congress, if you move at all in this direction—to build a harbor upon this coast which shall be a credit to the country and equal to the resources of this great nation, which is now on the pathway of empire and is not to be staid.

A word more, Mr. Chairman. I want to say a word upon another subject, and I may take up more time than I had intended to consume. I desire to say, and I say it earnestly, that I have been somewhat surprised from previous conversations that I have had with gentlemen at what has taken place here. I was surprised at the remarks of my friend from Illinois [Mr. THOMAS], after what had taken place between us. I do not quite understand his criticisms. But I want to call attention to some facts in connection with the necessities of commerce at this point. You are legislating for the commerce and for the wants of the navigation of this country.

Do you realize where the commerce of this country is? Do you realize the fact that out of about 24,082 vessels belonging to these United States 18,178 belong to the Atlantic coast? The members of this House are asking for liberal appropriations for the rivers and lakes of the interior; and I am with them most heartily, for I am in favor of liberal appropriations; but I call attention to the statistics of our commerce; which after all is the best indication of the condition and wants of the country. Of the entire commerce of the country, as measured by vessels, 18,178 are engaged in the trade on the Atlantic coast. Of that 18,178, 5,888 vessels, or nearly one-fourth of the whole commerce of the country, belong to New England. Consider that for a moment. Of the entire commerce of this country, 5,888 vessels out of 24,000 belong to New England and are engaged in commerce in these very waters where we ask the establishment of a first-class harbor. We propose to put into this bill more than \$6,000,000 for the Mississippi River and its great tributaries; and yet upon the Mississippi River and the rivers tributary to it there are only 1,303 vessels out of the 24,000. So that we of the Eastern coast, for we mean to be generous, give to the Western rivers more than \$6,000,000 in this bill, with only 1,303 vessels, and only ask in New England an appropriation of about one-half a million with our one-fourth of the total commerce of the country. And this, remember, is for the whole of New England.

In regard to this very point which I have stated, that the commerce of this country is on the Atlantic coast, if I may be permitted for a moment to refer to a remark which took place before the committee, a gentleman from Toledo told us that the bulk of the commerce of the country was on the lakes. He was very much surprised when I showed him these facts, and that of the total commerce of this country only 3,380 vessels were on the lakes against 18,000 on the Atlantic coast.

Mr. THOMAS. May I interrupt the gentleman to ask what is the distance from this proposed harbor at Sandy Bay to Boston?

Mr. STONE. It is about thirty-five miles.

Mr. THOMAS. And what is the distance from Sandy Bay to Portland?

Mr. STONE. It is between eighty and ninety miles; probably a hundred miles.

Mr. THOMAS. How far is it from Portsmouth, N. H.?

Mr. STONE. Thirty or thirty-five miles.

There is an immense commerce between Boston and Portland, and a very great proportion of the commerce that passes this point is not only the commerce directly between Boston and the East, but a very large proportion of vessels that come to Boston from New York and the Southern ports go East for return freights; and they pass Cape Ann in going East, when they are destined evidently for some Southern port. And according to the best computations that can be made, and those computations are confirmed by recent examinations, there are supposed to be about 70,000 vessels that pass this point, this extreme end of the cape, Sandy Bay, every year. And those vessels which are bound for

New York passing south of Cape Cod as a rule make the Cape and light in passing to the South; so that vessels in distress come in sight of this very point, Cape Ann, when bound to Southern ports. Colonel Craighill, a very able engineer and a very accomplished man, who signed the report, told me that no point on the coast was so striking in its situation and so capable of being made into a superior harbor as this point at the end of Cape Ann—Sandy Bay. Its value for the purposes I have stated, I think, can not be denied by any one who takes the subject into consideration.

Now, let me advert to one point more. I have in my hand the report of the select committee of the British Parliament on the subject of harbor accommodations, which was made to the House of Commons on the 20th July, 1884. It is a very recent report. This whole subject of harbor accommodations has been thoroughly considered by the English Parliament within the last twenty-five years. In 1859 and 1860 and in 1861 there were special committees appointed by Parliament to investigate the subject of harbors, especially harbors of refuge, and they made full reports on that subject. And this committee which made the report of 1884 confirms the action of the other committees appointed in 1859 and 1860. And they are unanimously of the opinion that while it is not the duty of the government of England to do anything more than aid in the construction of harbors of commerce, it is clearly the duty of the imperial Parliament to build out of the imperial treasury harbors of refuge. And why? Because it is obvious that harbors of refuge are built not merely to meet the demands of commerce, but largely to meet the demands of humanity; and you can not expect that persons engaged in business, whose main motive is gain, will take such an interest in a harbor of refuge as they would in a harbor of commerce, which is also a great commercial port. And therefore it devolves especially upon the Government, whose duty it is to establish life-saving stations and to do all in its power to protect life and property from the perils of the sea, to provide liberally for harbors of refuge, which are not likely to be built except through the aid of the General Government.

How much time have I remaining?

The CHAIRMAN. The gentleman has twenty-five minutes of his time remaining.

Mr. STONE. I agreed to give part of my time to Mr. WASHBURN, of Minnesota, and now allow him fifteen minutes.

Mr. WASHBURN. The gentleman from Massachusetts concedes me fifteen minutes of his time and my friend from Illinois [Mr. THOMAS] yielded me five minutes the other day, so that I have twenty minutes.

Mr. Chairman, before proceeding to what I have to say in the main, I desire to call the attention of the House to the fallacy of the figures of the gentleman from Massachusetts [Mr. STONE] with reference to the necessary magnitude of a harbor on the coast as compared with a harbor on the lakes. The commerce on the coast is largely made in long trips, lasting perhaps two years, perhaps one year, perhaps three months; while in the immense commerce on the lakes there are fifteen or twenty trips made in a year by each vessel. Consequently the comparison which the gentleman makes is not a fair one. It is the question of tonnage and not the question of the number of trips made by vessels.

Mr. MILLIKEN. I would ask the gentleman from Minnesota [Mr. WASHBURN] if what he says about short trips is not true of the coasting vessels along the Atlantic as well as of the vessels on the lakes?

Mr. WASHBURN. It is to some extent, but not to the same extent.

Mr. MILLIKEN. How long a stretch of navigation is there on the lakes, taking the whole length of them?

Mr. WASHBURN. I can not yield further at present.

Mr. Chairman, I am and have been during my entire term in Congress in favor of liberal appropriations for the improvement of the rivers and harbors of the country.

From years of observation and careful study of this subject I am satisfied that no expenditures made by the Government have been productive of more satisfactory results in the development of the resources of the country than those made for the improvement of our rivers and harbors. And during the entire time I have been in Congress there have been no appropriations to which I have given a more hearty support and for which I have more cheerfully voted than such as have been made for this purpose. Appropriations of this character I believe to be both wise and proper, and I desire to see them continued until the great harbors of our coast are improved sufficiently to accommodate the commerce that comes to them and the lake harbors to receive the products of the great empire borne to them to be transported to the markets of the world, and until the great natural water ways of the country are so improved as to transport cheaply the commerce tributary to them.

For all these purposes I am in favor of liberal appropriations, and I have no sympathy with a false economy that would restrict them to beggarly proportions, and I have little patience with the clamor that has been raised and misrepresentations made from time to time for the purpose of bringing such appropriations into disrepute; and I have less patience with those who, representing localities that in years past received liberal appropriations to complete their own improvements, are now prepared to call a halt as to improvements of other localities equally important and meritorious.

Of all the river and harbor appropriations that have passed Congress none probably has ever been subjected to the unjust criticism and gross misrepresentations, and concerning which a more senseless clamor has been raised, than the bill passed in the first session of the Forty-seventh Congress, and I believe inspired to a large extent by such motives as those to which I have alluded. The appropriation, it is true, was a large one, but not larger than the rapidly increasing commerce of the country required. While large, it was fairly and justly distributed among the different sections of the country where improvements were needed.

The appropriations in that bill were mainly for great national works and only an insignificantly small amount for unimportant streams, but which, though small, at the same time afforded means of transportation to many localities and communities which could not be secured in any other way. Of an appropriation of something over \$18,000,000 there was less than \$400,000 appropriated for the improvements of this kind and which could be fairly criticised as not being national in character. And yet nothing was left undone to carry the impression to the country that this appropriation was largely to improve trout streams and macadamize "dry runs."

Mr. Chairman, no section of this country can afford to be jealous of another, for no section of this country can be improved without benefiting in one way or another every other. Not a stream in this broad land can be improved to increased capacity for transportation, not a harbor of any of the great lakes can be widened or deepened to receive commerce but that the great financial and commercial heart of the continent, and soon to be of the world—the city of New York—is quickened and strengthened in its pulsations.

Mr. Chairman, I reside in and have in part the honor to represent a section of country that has a very deep interest in the question of river and harbor improvements, and the other question inseparable from it, cheap transportation to the seaboard.

Minnesota, with one arm on the head of navigation of the Mississippi River at Saint Paul and the other stretching to Lake Superior at Duluth, has the advantage of two great systems of water transportation, and has an especial interest in having them both improved to the fullest extent. To the expenditures already made in this direction Minnesota owes, for its almost magical growth and marvelous development, more to the facilities that have been offered for cheap transportation by the natural water ways than to any and all other causes combined. What Minnesota and the Northwest require is not only the cheap transportation furnished by the natural water ways, but the cheap rail transportation that it necessarily brings with it, and which it will continue to bring, unless natural causes shall be neutralized by such unnatural legislation as is embodied in the interstate-commerce bill recently passed by this House, whereby railroad lines will be foreclosed from entering into competition either with water routes or themselves. But I trust the country is to be spared the affliction of having a bill necessarily so vicious in effects becoming a law, and I shall not pursue this line of comment further.

Now, Mr. Chairman, while I am heartily in favor of appropriations for the improvement of rivers and harbors, and while I believe there is not a constituency in the country more interested in such improvements than the one I have the honor to represent, and for the reasons indicated, I find provisions in the bill now before the committee that I can neither approve nor support. I do not think the bill either a fair or a just one. While in some sections of the country the appropriations are insignificantly small and entirely inadequate to carry forward important works, in other sections unusually large amounts are named and new schemes are entered upon of a magnitude and character sufficient to startle, if not alarm, the most enthusiastic river and harbor advocate in this House or the country.

Mr. Chairman, I do not desire to raise anything like a sectional question with reference to the appropriations made in this bill; yet it can not escape the notice of the House, as it certainly will not of the country, that a very large proportion of the appropriations in this bill are for works in the Southern States—\$7,197,900 for the South; \$4,764,900 in the Northern States. To such a distribution of appropriations I would make no objection, on the ground of locality or section, if I felt they were justified by the existing condition of things. No man in this House has been more liberal in his views and in his action with reference to the great works that have been carried on in the South during the past few years, the improvement of the Lower Mississippi especially, than myself, having always had my most hearty and unqualified support. But when we find, as we do in this bill, that great works are to be entered upon to accommodate a commerce that does not exist, and looking to the expenditure of an amount of money out of all proportion to appropriations that have ever been made in any section of the country, and when we find as a logical consequence appropriations for other sections where an existing and rapidly increasing commerce is pressing for further and greater facilities, are reduced to insignificant amounts and such commerce almost ignored, I for one must enter my most earnest and determined protest.

There has been introduced in the Senate by the distinguished Senator from Texas [Mr. COKE], and reported, as I understand, by the other distinguished Senator from the same State [Mr. MAXEY], a bill

for the improvement of Galveston Harbor. This bill, as I understand it, provides for the Government entering into a contract with Capt. James B. Eads for the purpose of securing a certain depth of water and width of channel in and to Galveston Harbor. To make clear what this gigantic scheme means and is likely to cost the Government before completed I will insert as a part of my remarks sections 4 and 5 of the Senate bill, which relate to the amounts of money to be paid and the terms of payment provided for in that bill:

SEC. 4. That whenever said Eads and his associates shall have obtained a navigable channel between the 30-foot contour lines of the harbor and the Gulf, said lines being fixed and established as aforesaid, not less than one foot deeper than the channel as laid down on said chart, a measurement of said deeper channel shall, at the request of said Eads or his associates, be made by said Superintendent of the Geodetic and Coast Survey; and if such increased depth shall be found to exist, said Superintendent shall certify the fact to the Secretary of War, who shall thereupon draw his warrant upon the Secretary of the Treasury of the United States, in favor of said Eads or his associates, or his or their assigns or legal representatives, for the sum of \$1,000,000; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, or his or their assigns or legal representatives, the sum for which said warrant is drawn; and in like manner, upon the request of said Eads or his associates, measurements of the channel shall be made and certified to by said Superintendent as each additional foot of depth shall be obtained until the total depth of thirty feet shall have been secured. All such certificates shall be transmitted to the Secretary of War, who shall, upon the receipt of each one thereof, draw his warrant upon the Secretary of the Treasury, in favor of said Eads or his associates, or their assigns or legal representatives, for such sum of money as may be then due and payable to said Eads and his associates under the terms of this act; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, or his or their assigns or legal representatives, the sums of money for which said warrants shall be respectively drawn. For each foot of depth obtained and certified to as aforesaid there shall be paid to said Eads and his associates, their assigns or legal representatives, \$1,000,000, until a total increased depth of two feet shall have been obtained, and a total of \$2,000,000 shall have been paid; after which there shall be paid in like manner and in like certification \$500,000 for each foot of additional depth which shall be obtained, until a total increased depth of four feet shall have been secured and a total payment of \$3,000,000 shall have been made; after which there shall be paid, in like manner and upon like certification, \$400,000 for each foot of additional depth which shall be obtained, until the total increased depth of six feet shall have been secured and a total payment of \$3,800,000 shall have been made; after which there shall be paid, in like manner and upon like certification, \$350,000 for each foot of additional depth which shall be obtained, until the total increased depth of eleven feet shall have been secured and a total payment of \$5,550,000 shall have been made; after which there shall be paid, in like manner and upon like certification, \$400,000 for each foot of additional depth which shall be obtained, until the total increased depth of thirteen feet shall have been secured and a total payment of \$6,350,000 shall have been made. When the total depth of said channel shall have been increased to twenty-eight feet, \$450,000 shall be paid; and when the maximum channel of thirty feet shall have been secured, such sum of money shall be paid as shall, when added to the amounts heretofore paid, fully make up the sum of \$7,250,000. Said maximum channel shall have a depth of twenty-six feet, not less than two hundred feet in width at the bottom, and having through it a central depth of thirty feet, without regard to width. When said maximum channel of thirty feet shall have been thus obtained, the remaining \$500,000 of the total compensation for the work then unpaid shall be deemed to have been earned by said Eads and his associates, but the same shall remain in the possession of the Government of the United States for a period of ten years from the date when the said maximum channel shall have first been obtained, as security for the maintenance of said channel; but during the whole of said period, and until the said \$500,000 is paid, said Eads and his associates, or assigns or legal representatives, shall receive from the United States interest upon the same at the rate of 4 per cent. per annum, payable in equal quarterly installments during each year; and when said Eads and his associates shall have maintained said maximum channel for the full period of ten years, as hereinafter provided for, the Secretary of War shall issue his warrant upon the Secretary of the Treasury, in favor of said Eads or his associates, or his heirs or their assigns or legal representatives, for said sum of \$500,000; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, or his or their assigns or legal representatives, the sum for which said warrant is drawn.

SEC. 5. That after said maximum channel of thirty feet shall have been secured, said Eads and his associates shall maintain the same during a period of ten years, dating from the time when said channel shall have been first obtained; and as compensation for such maintenance the United States shall pay to said Eads and his associates, or their assigns or legal representatives, in equal quarterly payments, the sum of \$100,000 per year for each and every year of such maintenance; Provided, however, That if said Eads and his associates shall fail to maintain said maximum channel to the injury of commerce, the United States shall have the right to apply the \$500,000 held in reserve as security, or so much thereof as may be necessary, to the maintenance of said channel. All payments to said Eads and his associates for maintenance of channel shall be made upon the certified statement of the Superintendent of the Geodetic and Coast Survey, which certificates shall be made whenever there shall have been a quarter's maintenance, and shall be transmitted to the Secretary of War, who shall at all times draw his warrants in accordance therewith upon the Secretary of the Treasury for any amount or amounts due; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, or his or their assigns or legal representatives, the sums for which said warrants shall be respectively drawn.

Mr. BRECKINRIDGE. If the gentleman will permit me I will ask him: Is there a syllable of that bill in this river and harbor bill?

Mr. WASHBURN. No, sir.

Mr. BRECKINRIDGE. I thought you meant to state that it was in the bill.

Mr. WASHBURN. O, no; I have not made that statement. By examination of the terms of this proposed contract it will be seen that the ultimate cost of this improvement to the Government will be \$8,950,000, or only \$50,000 less than \$9,000,000. I will print the figures on which this statement is based:

For removing the obstructions or digging the channel thirty feet deep the bill proposes to give \$7,750,000, to be paid as follows:	
For first foot of increased depth.....	\$1,000,000
For second foot.....	1,000,000
For third foot.....	500,000
For fourth foot.....	500,000
	3,000,000

Brought forward—first four feet.....	\$3,000,000
For fifth foot.....	400,000
For sixth foot.....	400,000
	3,800,000
For seventh foot.....	350,000
For eighth foot.....	350,000
For ninth foot.....	350,000
For tenth foot.....	350,000
For eleventh foot.....	350,000
For twelfth foot.....	400,000
For thirteenth foot.....	400,000

Next payment is made when twenty-eight feet total depth is obtained.....	6,350,000
	450,000
	6,800,000
Next payment is made when thirty feet total depth is obtained.....	450,000
	7,250,000

and \$500,000 more is earned when the thirty feet is obtained, but it is provided that this \$500,000 be retained by the Government for ten years as security for the maintenance of said channel for the term of ten years by Eads and associates, but the Government is to pay Eads and associates 4 per cent. on this \$500,000 for the term it holds same, which is ten years, and therefore the Government pays \$20,000 per year interest on that money for this time.

For keeping the channel open to its maximum depth Eads gets \$100,000 per year.....	
For ten years.....	\$1,000,000
At the end of ten years the reserve fund of.....	500,000
Interest on same.....	200,000
	1,700,000
Money received on work before shown.....	7,250,000
	8,950,000

Now, it is true that the bill under consideration does not contemplate a contract with Captain Eads, but it does propose that the same work shall be done under his direction and superintendence, and hence there would appear to be no good reason to believe that the work can be done under the plan of the present bill for less than the amount proposed in the Senate bill, or about \$9,000,000.

To enter upon such a work as this, requiring, as it will, expenditures of such magnitude, utterly disproportionate with what have ever been made in any section of the country for such a purpose, without plans, with no recommendation from the War Department, or any officer of the Government, merely upon a theory, would seem to me little short of midsummer madness.

I have said the cost of this work is to be disproportionate to what has been expended for similar purposes in any part of the country; and to show this I desire to call to the attention of the committee the statement which I hold in my hand giving the amounts that have been expended on the six more important harbors on the Atlantic coast, as well as the amount that has already been expended at Galveston:

Boston Harbor, Massachusetts.....	1,977,026 10
New York Harbor (East River and Hell Gate).....	3,305,000 00
Philadelphia, Pa., Delaware River below Bridesburg.....	945,000 00
Baltimore Harbor, Maryland.....	1,765,000 00
Charleston Harbor, South Carolina.....	1,444,700 00
Savannah Harbor, Georgia.....	1,016,696 64
Galveston Harbor, Texas.....	1,835,200 00
Total.....	11,288,022 74

It will be observed that the total amount expended on all of these six great harbors outside of Galveston is a little less than \$10,000,000, while the amount to be expended at Galveston, under the Eads plan, added to what has already been expended there, reaches the enormous sum of \$10,785,296, or more than the entire aggregate amount that has been expended on all of the six important harbors to which I have referred. I submit to the committee whether this is not rather "crowding the mourners."

Now, let us look for a moment at the commerce of Galveston, as compared with that of these ports; and to do this intelligently I have procured a statement, which I hold in my hand, showing the value of the exports and imports for 1884 at these points:

Ports.	Exports.			Imports.	Total imports and exports.
	Domestic.	Foreign.	Total.		
Boston.....	\$62,528,000	\$969,829	\$63,497,829	\$65,865,551	\$129,363,380
New York.....	320,016,246	9,867,021	329,883,267	465,119,630	795,002,897
Philadelphia.....	36,467,799	24,769	36,492,568	33,657,216	70,149,784
Baltimore.....	43,064,217	15,077	43,079,294	11,423,665	54,502,959
Charleston.....	16,231,892	175	16,232,067	462,949	16,695,016
Savannah.....	19,947,349		19,947,349	652,860	20,599,709
Galveston.....	20,433,878	21,070	20,454,948	1,119,708	21,574,656
	518,669,381	10,897,941	529,567,322	578,301,079	1,107,888,401

This showing would not certainly seem to justify the expenditure of such a vast sum of money as contemplated by the bill.

And now for the purpose of exhibiting further the disproportion of the proposed expenditures at Galveston as compared with those made for the harbors of the great lakes, I will print with my remarks the

statement which I have prepared showing the relative tonnage at Galveston and the one port of Duluth, at the head of Lake Superior, for the year 1884:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., January 28, 1885.

Tonnage entered and cleared in the foreign trade of Galveston during the fiscal year ended June 30, 1884.

Entered and cleared.	Number.	Tons.
ENTERED.		
American vessels.....	19	9,674
Foreign vessels.....	177	114,420
Total.....	196	124,094
CLEARED.		
American vessels.....	25	14,571
Foreign vessels.....	181	120,370
Total.....	206	134,941

Number and tonnage of vessels entered in the coastwise trade at the port of Galveston, Tex., during the calendar year 1883 was as follows:
Year 1883—number of vessels, 413; number of tons, 335,571.

J. N. WHITNEY,
Acting Chief of Bureau.

The following are some of the principal commodities received at Duluth in 1884:

Coal.....	tons...	337,000
Salt, lime, cement, &c.....	barrels...	152,076
Oil.....	kegs...	34,166
Nails, horseshoes, &c.....	do.....	13,092
Arrivals and departures of vessels.....		887

The following are some of the principal commodities shipped from the port of Duluth in the year 1884:

Wheat.....	bushels...	11,067,497
Flour.....	barrels...	814,376
The same reduced to wheat.....	bushels...	4,071,880
Total shipment.....	do.....	15,039,377
Bran feed.....	sacks...	98,902
Bars of silver bullion.....		33,894
Silver ore.....	sacks...	141,347
Lumber.....		5,030,321
Oats.....	bushels...	47,800
Wool.....	sacks...	6,315

These statements show that the tonnage of Duluth of two articles alone—wheat and coal—is larger than the entire tonnage of Galveston, and the number of vessels arriving at Duluth for the year 1884 is 887 as against 815 at Galveston for the same year, while for the improvement of this harbor at Duluth this bill appropriates the munificent sum of \$31,500 as against \$750,000 for Galveston, with several millions to follow. I submit to the committee whether this is not, to say the least, slightly disproportionate.

But I hold in my hand a letter of the Secretary of War, transmitting to the House of Representatives letters from General John Newton, Chief of Engineers, and of Col. O. M. Poe, engineer in charge at Detroit, Mich., in which statements are made of a most extraordinary character with reference to the tonnage passing through the Sault Saint Mary's Canal, and which show in a more striking contrast the disproportion of these appropriations than any comparison yet made. I have not time to read these communications and statement at this time, but will print them as a part of my remarks:

Letter from the Secretary of War, transmitting report of the Chief of Engineers concerning the inefficiency of the lockage of the Sault Saint Mary's Canal.

WAR DEPARTMENT,
Washington City, January 17, 1885.

SIR: In accordance with the suggestion of the Chief of Engineers I have the honor to transmit to the House of Representatives, for the information of the Committee on Rivers and Harbors, his report, dated the 14th instant, in which he refers to his last annual report, for the fiscal year ending June 30, 1884, pages 302 and 2011, calling attention to the rapid increase of commerce passing through the Sault Saint Mary's Canal, being such that should its rate be maintained for the next eight years, the period would then be reached when the present lockage system would be found insufficient; and submits the accompanying copy of a report, dated the 8th instant, from Lieut. Col. O. M. Poe, Corps of Engineers, in charge, containing official returns, lately received, of the tonnage passed through the canal during the season of 1884, showing the increase in tonnage to have been beyond all expectation, and so largely in excess of that of previous years, that should the rate be maintained (of which there seems to be no doubt), the insufficiency of the present lockage system will be felt at the expiration of one-half the time estimated, or say in four years, and indicating beyond question a more urgent necessity for an early commencement of this indispensable work.

Very respectfully, your obedient servant,
ROBERT T. LINCOLN,
Secretary of War.

The SPEAKER of the House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 14, 1885.

SIR: In the last annual report of this office, for the fiscal year ending June 30, 1884, pages 302 and 2011, attention was called to the rapid increase of the commerce passing through the Sault Saint Mary's Canal being such, that should its rate be maintained for the next eight years, the period would be then reached when the present lockage system would be found insufficient. To guard against this it was recommended to begin at once the construction of a new lock of large dimensions upon the site of the two old ones.

I have now the honor to submit herewith a copy of a report to this office of the 8th instant, from Lieut. Col. O. M. Poe, Corps of Engineers, in charge, containing official returns, lately received, of the tonnage passed through the canal during the season of 1884, showing the increase in tonnage to have been beyond all expectation, and so largely in excess of that of previous years, that should the rate be maintained (of which there seems to be no doubt), the insufficiency of the present lockage system will be felt at the expiration of one-half the length of time above estimated, or, say, in four years, and indicating beyond question a more urgent necessity for an early commencement of this indispensable work.

In view of the great importance of this subject, I beg leave to suggest the transmission of this report to the House of Representatives for the information of the Committee on Rivers and Harbors.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ROBERT T. LINCOLN,
Secretary of War.

SAINT MARY'S FALLS CANAL, MICHIGAN.
UNITED STATES ENGINEER OFFICE,
Detroit, Mich., January 8, 1885.

SIR: In my annual report for the fiscal year ending June 30, 1884, I submitted a project for the enlargement of Saint Mary's Falls Canal, including the construction of a new lock in place of the two old ones, and urged the matter in terms as strong as seemed proper.

It was stated that the commerce through the canal during 1883 was 2,042,295 tons (registered); that the annual increase in tonnage for fifteen years had been quite uniform, averaging 107,313 tons per year; that only 11 per cent. of the vessels passing the canal during 1883 were of sufficiently light draught to admit of their passing through the old locks; and that if these figures were maintained for eight years the present lockage system, although in constant operation, would be insufficient to take care of the shipping.

We now have complete returns for the season of 1884, and the annual increase in tonnage has not only been maintained but largely exceeded; that is to say, the registered tonnage passing through the canal during the season of 1884 was 2,942,837 tons, an increase of 955,578 tons, or nine times the average annual increase for the preceding fifteen years. Or, to state it possibly with greater force, this increase in 1884 is equal to the entire commerce through the canal during the first five years it was open to navigation.

Should this rate of increase be maintained, the full capacity of the lockage system will be reached within four years instead of eight, as estimated in the annual report.

The following table affords the means of comparing, in detail, the business of the canal during the season of 1884 with that of 1883:

Comparative statement of the commerce through Saint Mary's Falls Canal, Michigan, for the seasons of 1883 and 1884.

Items.	1883.	1884.	Increase.	Percent- age.	Decrease.	Percent- age.
Vessels.....number...	4,315	5,689	1,374	32		
Lockages.....do.....	2,351	3,074	723	31		
Tonnage.....registered...	2,042,259	2,997,837	955,578	47		
Do.....freight.....	2,267,105	2,874,557	607,452	27		
Passengers.....number...	39,130	54,214	15,084	39		
Coal.....tons.....	714,444	706,379			8,065	1
Building stone.....do.....	2,405	6,047	3,642	151		
Copper.....do.....	31,024	36,062	5,038	16		
Flour.....barrels.....	687,031	1,248,143	561,112	86		
Grain.....bushels.....	6,677,025	12,502,894	5,825,869	87		
Iron ore.....tons.....	791,732	1,136,071	344,339	43		
Lumber.....feet, B. M.....	87,131,000	122,389,000	35,258,000	40		
Pig and manufactured iron.....tons.....	109,910	72,428			37,482	06
Salt.....barrels.....	70,898	144,804	73,906	104		
Silver ore.....tons.....	814	9,731	8,917	1,095		
Unclassified freights.....do...	191,571	207,173	15,602	8		

Canal opened April 23 and closed December 10, 1884, being open to navigation 232 days.

Canal was opened during season of 1883 224 days.

The increase in registered tonnage was 47 per cent.; in grain, 87 per cent.; in flour, 82 per cent.; and in iron ore, 43 per cent.

These are the great staples (although a notable increase in the lumber traffic was developed), and indicate the direction from which future increase must be expected.

It will be principally from the cereal products of the Northwest through the systems of railways terminating on Lake Superior.

It is stated in the commercial columns of the newspapers that there are now stored at Duluth alone nearly 5,000,000 bushels of grain, and that this will be increased to more than 7,000,000 by the time navigation opens.

If this be true (and I do not doubt it for a moment), the canal will be pushed toward its utmost during the season of 1885.

But the facts adverted to do more than indicate the necessity for beginning the enlargement of the canal at the earliest date possible. They protest in the strongest possible terms against all propositions to fit the old locks for dry-dock purposes, or to build a dry-dock anywhere in the immediate vicinity of the canal to be operated in connection therewith.

Another point which I particularly invite attention to is the fact that no portion of the work of enlargement recently completed will be lost. On the contrary, it is just that much done toward the project now so strongly recommended.

I have to request that this report be forwarded for consideration in connection with my annual report for the year ending June 30, 1884.

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

O. M. POE,
Lieut. Col. of Engineers, Bvt. Brig. Gen., U. S. A.

The CHIEF OF ENGINEERS, U. S. A.

But I desire to call the attention of the committee to the fact this statement shows that during the season of 1884 5,689 vessels passed through the Saint Mary's Falls Canal, with a registered tonnage of 2,942,837 and an actual freight tonnage of 2,847,557 tons, being 5,699 vessels, as against 815 at Galveston, and 2,942,837 registered tonnage as against 594,506 at Galveston.

Colonel Poe, in his letter, speaking of the rapidly increasing tonnage

* Annual Report Chief of Engineers for 1884, Part III, page 2011.

through this canal, and referring to his annual report, in which he submits a project for the enlargement of this canal, says: "Should this rate of increase be maintained the full capacity of the lockage system will be reached within four years, instead of eight, as estimated in the annual report." And yet, in the face of these facts, this bill makes no appropriation for the enlargement of this canal, this great thoroughfare through which pass the millions of tons of the products of the Northwest, and takes no step in that direction; at the same time it appropriates \$750,000 for the improvement of the harbor that handles not more than one-sixth as much tonnage.

Mr. Chairman, it is against this unjust discrimination and disproportion of appropriation that the Northwest enters its most emphatic protest.

I will not comment especially on the disparity in the appropriations on the Lower and Upper Mississippi, although, of an appropriation of \$3,855,000, \$2,800,000 is appropriated for the lower river. While I recognize the importance of carrying forward the improvements on the lower river, I feel that the appropriations for the upper stretches of river are entirely insufficient and out of all proportion.

But outside the unfairness of this bill so far as its appropriations are concerned, there are some very extraordinary and important features introduced as to the jurisdiction of this character of public works that I do not believe will meet the approval or sanction of the committee. Returning to the improvement of Galveston Harbor, the first step to be taken is in the direction of substantially ignoring the Engineer Department of the Government. For one, I can see no good reason why this should be done, and especially at this time.

I see no reason why the carefully prepared plans of the Chief of Engineers, and which are being executed, should be set aside, and other new, theoretical, and expensive plans adopted in their place. There are, I believe, no reasonable grounds for supposing that when these plans have been fully carried out the practical results contemplated by the War Department will not be secured, and at much less cost of money than will be required under the plans proposed in this bill. I can not, of course, discuss this subject as an engineer, but I desire to call the attention of the committee to the letter of General John Newton, Chief of Engineers, addressed to the chairman of the Committee on Rivers and Harbors of the House of Representatives, in which the whole subject of improvements at Galveston is thoroughly gone over and most intelligently and ably discussed, which letter I will print in connection with what I have suggested on this point.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., January 17, 1885.

SIR: Pursuant with your request made to me, I have the honor to present my views upon the provisions of Senate bill 1552, Forty-eighth Congress, first session, introduced February 27, 1884, reported by Mr. COKE with amendments June 30, 1884, and adopted by the majority of the committee.

The original bill was referred to the office of the Chief of Engineers, and a communication dated March 27, 1884, conveying objections to certain of its provisions was made to the Secretary of War, and by him transmitted to the Senate.

It is proper here to state that near the close of the session I was before the Senate committee on two occasions. At these interviews I became acquainted with statements made by Mr. James B. Eads, a party in interest in the proposed contract for the improvement of the bar at Galveston. Mr. Eads was present at both interviews and a large portion of the time was granted to him. It was probably in view of this, Mr. Eads having before had full opportunity to present his side of the question to the committees of the Senate and House, as well as in regard to the very late knowledge I had acquired of statements made by him, that you requested me to present my views in writing. I have understood, however, that the majority report was made very shortly after my interviews, without reference to the future report asked of me.

Turning now to the report of the majority of the Senate Committee on Commerce, I find no mention made of certain objections which I then urged against the adoption of the proposed contract, but, on the contrary, their report is based upon the views of Mr. Eads, which seem to have been accepted without substantial diminution. There has, so far as I know, been granted no sufficient opportunity for discussing the merits and efficiency of the plan proposed by Mr. Eads, nor has an investigation adequate to the importance of the case been made of that disposition of the works at Galveston which would insure the greatest depth possible under the peculiar existing features of the locality.

I will now comment upon certain statements of this report. It says:

"The general plan of improvement which has been carried on during the past ten years was commenced by Major Howell, and was approved by a board of engineers composed of Generals Tower, Wright, and Newton. It has since been reported upon by boards of United States engineers in 1875, 1876, and 1880. The method of construction was called the gabionnade system. This was abandoned in 1879, after an expenditure by Major Howell of \$527,000. After the failure of the gabionnade system, the present officer, Colonel Mansfield, was placed in charge, and the method of construction was changed to the mattress system, without, however, altering the general plan and location of the works."

There is a great deal of incorrect information contained in this short quotation.

In 1870 an appropriation of \$76,000 was expended upon the inner bar in dikes and dredging plant, whereby the depth was increased from nine to twelve feet. There was afterward expended in dikes upon the inner bar, up to 1877, the sum of \$282,000, making an additional increase of depth of eight and one-half feet there. Adding these together, we find that \$358,000 was expended successfully upon the improvement of the inner bar. This reduces the unsuccessful experiment mentioned in the majority report from \$527,000 to \$169,000, according to its own figures.

The general plan and location of the works were, however, changed, notwithstanding the contrary is indicated in the majority report. It was recommended by the board of engineers that the north and south jetties should be constructed to a certain distance only, with a view to change afterward the direction of their prolongations to produce the required result; and it was also recommended by the board that the direction of the south jetty from its starting point should first be changed, bringing it nearer by this means to the other jetty. As to the height to which these jetties should be built, that was regarded by the board as tentative, and it was understood that the height should be finally regulated to meet the requirements of the case.

Before leaving this part of the subject I will state that the gabionnade system of Major Howell was never indorsed by the board; but an experiment on a limited scale, by placing a short line of gabions near the bar and another short line near the shore, was recommended by the board to test its efficiency. That the experiment should have been conducted beyond the limits prescribed by the board can only be explained from the fact that Major Howell was ill during this period of time of the malady which not long afterward terminated in his death, and that he was probably unable to bestow that supervision over the work which might have satisfied him, with a much less expenditure of money, that the system would prove a failure.

It is proper likewise to say that the board never indorsed the system of parallel jetties* 12,000 feet apart devised by Major Howell as competent to afford even a draught of eighteen feet, which is plainly evidenced by the express words of their first report, as well as by the change in the directions of the jetties, which was recommended in a subsequent report.

I will state also that a depth of eighteen feet of water was understood to have been all that the inhabitants of Galveston asked for at the time, and that depth would have proved an immense relief to navigation. It is hard to perceive the justice of holding the Government engineers responsible for not granting a boon greater than that demanded at the time.

According to the majority report the total amount of money expended up to the present time is \$1,578,000, of which \$527,000 has already been accounted for, leaving a balance of \$975,000, which Colonel Mansfield devoted to the construction of the south jetty upon the mattress system, a work not yet entirely finished and brought up to the proper level, but which is admitted to have been economically and solidly constructed. If now we divide the total amount by the number of years from 1870 to 1882, during which period appropriations were made by Congress, we will find that the average annual grant was about \$121,000, and that the total amount appropriated would fall far short of the estimates made for the improvement of the outer and inner bars, for which these appropriations were intended.

But one jetty—the south—has as yet been constructed, and with what justice can it be urged in the majority report as a fault of the Government engineers "that no substantial benefit to the interest of Galveston Harbor has thus far resulted from the expenditure of this large amount of money," when it has always been considered necessary for the improvement of the bar that the other jetty, for which no adequate sum of money has yet been appropriated, should likewise be constructed.

There is no system yet adopted in the mode of making appropriations for the improvement of rivers and harbors in the United States. Heretofore the money granted for this object, although large in the aggregate, has been distributed among a multiplicity of localities, so that the most important harbors and rivers have suffered from paucity of money, and a large number of cases exists where the original plans calculated to afford adequate improvement have necessarily been changed and a compromise made in order to utilize and render efficient to some extent the inadequate sums granted. The Government engineers have been taught by sad experience that no large yearly outlay of money for the most important works would be tolerated by Congress, and hence that they must rest content with gradually approaching their object, and leave to the future wants of the locality, so soon as they become imperative, the efforts to extend their works and bring them to the required standard. I may ask, therefore, for the years from 1870 to 1874—yes, and as recently as 1882—what hearing would the Government engineers have had from Congress if they had asked an appropriation of nearly \$8,000,000 for the improvement of Galveston Harbor, to be expended at the rate of a million or more each year.

I think a full consideration of these facts will show why it is that they have been compelled to approach by slow degrees the realization of the hopes of improvement at any locality.

The changes of direction already spoken of for the north and south jetties would have given, at the smallest estimate, over twenty feet of depth on the bar, and during the process of construction there would have been ample time to make such changes as would have insured twenty-five feet, or any other depth which the locality would admit of and maintain.

Such, so far as I believe, and I think my connection with those works entitles me to say, was the true idea of their beginning as well as of their future development. I think what has gone before ought to be a sufficient answer to these words from the majority report:

"It has been urged upon the committee that the works of the United States engineers have not yet been completed, and that until their completion the administration of this work should not be placed in other hands.

"The answer to this is:

"First. That the length of time already devoted to the work affords no ground for confidence in future success.

"Second. That the work thus far has been, and still is, of an experimental character, and no positive assurance of results can therefore be given."

As to the first of these, the cause has already been assigned—insufficiency of grants of money by Congress to complete the system.

As to the second, a great mistake is involved in the assertion. The south jetty as well as the works at the inner bar have not been of a mere experimental character. Those at the inner bar have largely increased the depth there; and the south jetty has been solidly and substantially constructed, and would be competent, with the north jetty, to produce decided results. But if the majority report means by the words "no positive assurance of results can therefore be given," that the United States engineers can not say precisely what depth would be obtained, within one or two feet, by the construction of jetties, the statement is entirely correct, and I will add further, that you will not find in the whole world an engineer who could calculate within a foot or two what the effect of the jetties at Galveston would be, while the very attempt to do so would probably prove that the person was incompetent.

Mr. Eads, in his statement (Appendix B of the majority report), has adopted a method of advocating his views which has been found very successful with inexperienced and ignorant people. He apparently imagines that if he can prove the United States engineers to be incompetent, his efforts to realize the large sum of about eight millions of dollars for the improvement of Galveston Harbor would be entirely successful. In attempting this he has, however, overreached himself by asserting too much. To agree with him, all the engineers connected with Galveston Harbor, or who had anything to do with it, including the highest in rank in the corps, have been utterly ignorant, and have proceeded upon radically erroneous and false principles. I do not think that the sensible, thinking people of this country, apart from the mercenaries who are enlisted by the prospect of sharing in the benefits of the \$8,000,000 which Mr. Eads seeks, will ever be persuaded that the body of men composing the Corps of Engineers, whose qualities have been tested for so long a time, can be brought down to the low level where he would like to sink them.

Galveston is peculiarly placed. A large interior bay discharges its waters through an outlet between Fort Point and Bolivar Point, the distance between these points being 2,733 yards. The force of the outgoing water is sufficient to excavate and maintain a channel of 30 feet to a distance of 2,067 yards in front of the line joining these points, to maintain a depth of 25 feet to a distance of 3,534 yards from the same line, and a depth of 20 feet to a distance of 4,667 yards measured from the same base. This interior bay receives the river waters and in

* It is singular that Mr. Eads, and after him the majority of the committee, should state this as the distance apart of the jetties of Major Howell's plan, the distance apart really being 10,400 feet.

it the sediment held in suspension is deposited. The water which goes over the bar is free of sediment, and therefore the bar is composed entirely of sea sand and fragments of shells. It is in all respects what may be styled a drift-bar; that is, one due to the currents and waves of the Gulf. It is entirely different in its character from the bars at the mouths of the Mississippi, which are formed of material brought down by the river or held in suspension in the waters, and the course of reasoning which would apply to the mouths of the Mississippi for their improvement might not hold with regard to the bar at Galveston, and I state this the more because it has always been the view held by the officers of engineers; while Mr. Eads himself, if I should judge from his language, evidently thinks that there is no difference between them.

The ordinary rise and fall of the tides at Galveston is one and one-tenth of a foot, but occasions not infrequently occur during the year when there are rises of two or three feet, and perhaps a little more, which are due to winds of a moderate character from the south or southeast. The current from the ordinary rise and fall of the tide in passing over the bar is worthy of consideration, because although the discharge at those periods is comparatively little, it nevertheless exercises a conservative effect in moving sand which is disturbed by the waves and held in suspension. During rises of two and three and four feet the action of the currents is much more beneficial; but when a storm comes from the south or southeast the interior bay is filled to a considerable height with the waters blown in by their force.

In 1875 the rise of water at Fort Point due to a gale of wind was eight and a half feet, and it was said the rise in the upper parts of the bay was from twelve to fifteen feet, so that on an average the height of water was about ten or eleven feet. The wind veered to the northwest, blowing a gale from that direction, and the waters were violently forced out to sea and discharged in a short period of time, the duration of which is not accurately known. The effect, however, was very striking. The ordinary outlet between Fort Point and Bolivar Point did not seem to be sufficiently capacious for the passage of this large body of water. It is stated that the portion of Galveston Island from Fort Point to the city of Galveston was under water, and that it was washed down during the gale so as to be below the ordinary level of the water.

Of course a rise of this height is unusual; but it is not infrequent to have rises to five and six feet.

Furthermore, the northerly winds sometimes blow out the waters of the bay for several feet below their usual level, which additional water must sometimes be added to that due to the rise.

We see then from the added action of the south wind filling up the bay, and of northerly winds blowing out the water below the usual level, that with small rises, or even with no rise above the usual tide, the discharge and the velocity of the currents may be considerable.*

Mr. Eads lays down a number of points illustrating the principle of the quick discharge of water to which I take no exception in the abstract, for they are elementary laws that every engineer should know, but only to their application to this case, without taking into view other important considerations. If the question here were only to deliver the largest supply of water within a given time, Mr. Eads would be right; but if the question be, as it is, the improvement of the bar, then it may be expedient not to obtain the greatest scour, but to regulate the scour, so that it shall be useful and not hurtful.

In connection with this, let us take a glance at the features of the locality, and compare them with some other places which have been operated on by jetties. The bottom of the Gulf in front of the entrance to Galveston Bay shoals very gradually, the distances of the 18-foot curve beyond the outer bar, measured from Fort Point, being about four miles, and from Bolivar Point about three miles. The length of the bar between the interior and exterior 18-foot curves is about one and three-quarter miles. We understand then at a glance the length of the jetties required to effect an improvement, as well as the enormous body of sand which must be moved in order to obtain a depth of twenty-five feet or thirty feet.

Mr. Eads nor any one else could calculate the depths to which the waters flowing out of Galveston Bay would excavate the channel if during storm tides they should be entirely confined between high jetties, particularly if they are placed close together.† He makes no allowance in his writings, but rather ridicules the fear that the enormous body of sand moved during these storm tides would ever form an obstruction outside of the heads of the jetties, and yet how this enormous body is to be disposed of becomes very difficult for an engineer who has any experience in the improvement of bars to suggest. I am very free to say that I apprehend a great deal of trouble from such heroic treatment. His system, as he enunciates it, is a violent forcing process, the effects of which he can neither calculate nor foresee. Mr. Eads ridicules the notion of approaching to the required depth by a gradual process.‡ Nor does he seem to perceive that there is a limit to the improvement of every bar which it defies the calculation of man to fix, and that can only be attained by gradual working up to that point, and there to stop.

It requires no logic to prove the self-evident proposition, that when you arrive at this maximum point of improvement the jetties can do no more, and further improvement in depth must be made by the continual application of dredging.

The experiences of the South Pass can not be relied upon, or even used at all, to be applied to the present case. At this pass the crest of the bar was only about one hundred and fifty feet from the depth of thirty feet of the Gulf, and a large area of a depth from thirty feet to three hundred feet and more lay directly in front of the jetty-heads ready to receive the scour from the jetties as well as the limited amount of material brought down by the overflowing waters of the pass. There is no parallelism in the cases of the South Pass and Galveston Bar.

There is a case where heroic treatment has been applied, with the result of an immediate failure. The Dutch engineers are, if anything, expert in hydraulics, but their attempt upon the outlet of the Scheur Branch of the River Maas, to obtain a depth of twenty-three feet, terminated in getting but fifteen feet, and has besides pushed out the bar considerably. The original curve of sixteen feet, 1,100 yards from the shore, has been advanced to a distance of 3,000 yards. One of the jetties was run out to the 26-foot curve, which was only 2,200 yards originally from the shore. A different system rather more tentative, in order to make experience available, would have succeeded better. What renders the failure here more remarkable is the fact that there was not the ghostly littoral current so generally quoted by ambitious engineers to fill up the deficiencies of their project, but *bona fide* strong tidal currents sweeping the space at the jetty-heads. This was a clear case of scouring badly applied, and throwing out more material beyond the jetty-heads than the ordinary influence there in operation could remove or dispose of. The engineer of that work, to effect the desired improvement, will in all probability be compelled to resort to a prolongation of the jetties and to extensive dredging.

* Mr. Eads speaks of placing jetties at 4,000 feet apart, less than one-half of the width of the outlet now existing between Fort Point and Bolivar Point, a width which we have already seen was not sufficient for the discharge at the greatest periods of rise, and it is known that alarm has been felt lest if the discharge be unwisely contracted in width the city of Galveston itself might suffer during one of these periods.

† It would be something probably far exceeding a depth between jetties of twenty-five or even thirty feet.

‡ By that I mean a gradual contraction of the water both as to the distance apart of the jetties and the height to which it is proposed to raise them.

The height, extent, and distance apart of these jetties were calculated by the ablest engineers of Holland, and the result has shown the little reliance to be placed upon *a priori* careful computations. Still less should reliance be placed upon dogmatic utterances, not the less dogmatic because they are often mere guesses.

The works at the Sulina mouth of the Danube were eminently tentative in their character, and were pushed on by the lights furnished from experience gained day by day on the spot. So in the same way the operations at the South Pass were tentative; the jetties at the mouth, placed originally at 1,000 feet apart, have had this interval diminished by spur dikes, and even by an interior line of jetty joining the ends of these dikes. It is too late, after such experiences, to pretend to regulate beforehand the exact length, height, or distance apart of jetties and thus wholly reject the tentative process.

I do not perceive the relevancy of Mr. Eads's remarks concerning leaving "outlets," which really have no relation to what has been done or what is intended to be done here. He has probably seen a progress sketch of the south jetty at Galveston up to the date of June 30, 1882, or some unfinished plan not authorized for construction, and has been swift to conclude and to publish to the world that outlets were to be left in the jetties near the shore.

There are a large number of documents printed with the report of the Chief of Engineers emanating from various sources, such as the local engineers,* their assistants, &c., which contain generally useful information, and for such reason are published; but these reports have no other value save the authority of their authors, who are alone responsible for the views expressed. Judgment should be given when the works have been substantially completed and results known, when responsibility will attach to the system and to individuals.

Frequent changes are from time to time made in the first authorized projects, according to experience gained, the amount of funds in the future which will probably be granted, and other circumstances, and these changes may not be made officially or published until the period arrives to construct the portion of the works affected. Great injustice may be done from not considering these things or from the neglect of asking explanations of what is not clearly understood, because the official papers published can not necessarily contain the whole subject nor even all the important points.

Mr. Eads, in Appendix B of the majority report, lays down the following principle: "It is simply impossible to permanently maintain between submerged jetties any increase of depth even if such jetties could produce it." Very well. Upon the coast of Texas there are two places where jetties under the water level during the process of construction (and they are not yet for want of funds brought to the surface) have for some years past increased the depth and maintained it; and, what is still more contradictory of his assertion, at each of the places there is a single jetty only, and that jetty is not placed on the side of the channel whence the drift comes, but on the other side—there being consequently nothing to prevent the whole coastwise drift of sand from coming into the channels. It is better sometimes to be experienced than to be dogmatic.

The views of Mr. Eads in detail, as expressed by him before the committee, will be found in the appendix hereto, marked B," is a quotation from the majority report. I look in that appendix for the width between jetties proposed by Mr. Eads, and find a distance of 4,000 feet there mentioned, but in such a way that he may say the distance mentioned was simply used as an illustration—and that is the sole definite mention of a most important element of the jetty system to be applied here which I have been able to discover. Nevertheless the majority report fully indorses Mr. Eads's views in apparent ignorance of a vital feature of his plans—otherwise why does not that report furnish this important information? Does Mr. Eads's reputation give him such prestige over all the engineers of the country that Congress can afford to approve his plans without knowing what they are?

Does Mr. Eads shrink from putting his plans in black and white, either because he dreads criticism or has not sufficient knowledge of the locality to commit himself? If there is not some reason, why this prolonged reticence?

He has been dogmatic in the extreme in stating his own views and in condemning those which others entertained or were supposed by him to entertain. One who does this in regard to others should have the courage of his own convictions sufficient to commit himself definitely to some project.

The distance between Fort Point and Bolivar Point appears to have been a variable element. At the date of the last survey it was 3,200 feet; at a former date about 10,560 feet. At the date of Major Howell's project the distance was a little more than 9,000 feet. The distance apart of the jetties at the starting point by Major Howell's plan was 10,400 feet, not 12,000 feet as alleged. A curious commentary upon the objection that the distance between his jetties was too great is the fact that the depth in the channel corresponding to a width of nearly two miles was thirty-nine feet. Consider in addition that the board had in contemplation to incline the jetties toward each other even to obtain a depth of eighteen feet, and the wonder is what foundation could exist for the clamor that the jetties were to be placed too far apart to do any good.

Mr. Eads proposes to cap the Galveston jetties above high water with a concrete wall, so far as can be inferred, like that constructed on the South Pass jetties, and presenting vertical surfaces to the action of the waves, which is a construction opposed to sound principles, as the waves of oscillation converted by the sloping sides of the jetties into waves of translation strike the surfaces of the wall at right angles. Was it in consequence of this defect that one-half mile of the capping of the eastern and most exposed jetty was broken up during a storm?

THE PROPOSED CONTRACT WITH MR. EADS.

The majority report promises a navigable depth of thirty feet after Mr. Eads's operation, and the contract in various places makes the same promise, with a proviso, however, further on in the body of the instrument, that the depth of thirty feet will be taken without regard to width. In other words, the 30-foot channel need not be over two feet in width, and consequently not a navigable channel at all. Why is it necessary to make a promise which is not to be fulfilled? The contract in fact requires only a navigable channel of thirty-six feet in depth and two hundred feet in width, with a continuous line of soundings of thirty feet in depth in the center line of the channel, but without regard to width.

By the provisions of the contract, however, after attaining the depth of twenty-five feet over the bar Mr. Eads becomes entitled to \$3,350,000, a sum of money in my opinion vastly in excess of the cost of the amount of work necessary to produce that result, if jetties can effect it.

The amount of compensation due after attaining a depth of twenty-five feet

*The majority report cites the authority of Colonel Mansfield's map accompanying his report of 1880, for placing the Government jetties 12,000 feet apart; in 1881 and 1882 Colonel Mansfield's map does not indicate a north jetty at all; and in 1883 a radically different position is assigned for that jetty. Why not have taken the most natural, instead of the first and crude idea?

But in fact all of these positions are solely Colonel Mansfield's, without any sanction from the proper authority.

†It would seem to be prudent not to place the root or beginning of the jetties at a less distance apart than the opening between Bolivar and Fort Points, which is found to be a variable distance, sometimes about 10,000 feet, apparently measuring the widths necessary under varying circumstances to discharge the extraordinary rises of water in Galveston Bay—and then to incline the jetties toward each other until the bar is reached. The distance at the commencement of the jetties, if too great, could always be corrected by the use of spur dikes.

over the bar is so large in comparison with that which the contractor would afterward receive from remaining to complete the contract, that a strong temptation would arise, particularly should difficulties appear ahead at that stage of operations, to abandon the work. It must be noted that the depth alluded to would probably be obtained, if at all, before it should become necessary to put on the concrete capping, so that by retiring early he might also get rid of that portion of the contract.

It is not necessary to go further; this method of analysis is simple and can be pursued by any one to demonstrate the fact that the proposed contract is so far in favor of the contractor that it might be greatly opposed to the interests of the United States.

The fact that the contractor must borrow money in the market at high rates of interest, as is alleged was done during the operations at South Pass, as this interest must form a part of the contractor's estimate of cost, would seem to be equivalent, on the part of the Government, to borrowing at a higher rate of interest than it is now paying.

Section 6 of the proposed contract states "that said Eads and his associates shall be untrammelled in the full and free exercise of his or their judgment, skill, and experience in the location, design, and construction of said works, and all appurtenances thereto."

I submit that this constitutes a power over the navigable waters of the United States, unrestrained by any provision for supervision of the contractor's plans, which should never be conferred upon any individual.

I desire to say that in my objections to the general scope of the contract I have not intended any allusion even indirectly to Mr. Eads, but have endeavored to treat it as a pure business transaction, and in the same spirit I will go on to say that while the present system of making appropriations for the improvement of harbors and rivers may be changed to advantage in some points, I do not regard it as an improvement to select some one point for completion in preference to many others quite as deserving of equal consideration at the hands of Congress, nor to choose one contractor or engineer to the exclusion of many others equally capable, thereby putting away competition in cost and the proper and necessary criticism of plans.

Moreover, the intention to appropriate a large sum in favor of contracting with specified individuals will rally to their support many interested persons, and in the efforts made to mold opinions to their views it will be difficult often to obtain a candid exposition of fact or to arrive at a sound conclusion. There are other evils, patent to every one, which need not be enumerated.

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

JOHN NEWTON,

Chief of Engineers, Brig. and Vet. Maj. Gen., U. S. A.

HON. ALBERT S. WILLIS,
Chairman of the Committee on Commerce,
United States House of Representatives.

There seems to have been a determined purpose on the part of the committee reporting this bill to take from the office of the Chief of Engineers of the War Department the control and direction of many of the more important works.

The jurisdiction of the Mississippi River Commission is to be extended. A new board, to be called the United States harbor board, is to be created, both to restrict and limit the jurisdiction and duties of the Engineer Department, and which, if adopted, will in my judgment most seriously impair the efficiency of this branch of the service. Why should this be done? What is there in the record of this Department to justify such action? There are and have been for many years in the Engineer Department gentlemen of the highest grade of engineering ability and intelligence, gentlemen who have been highly educated in their profession, and that, too, at the hands of the Government. They understand most thoroughly the work they have in hand. Their integrity and honesty of purpose has never been questioned. No breath of scandal has ever attached to this office. The work performed has been thorough, substantial, and of the most permanent character, and has generally met the highest expectations of the public. Why, then, I again ask, should the jurisdiction and work of this office be limited or restricted?

It is proposed to turn over the stretch of the Mississippi River from Des Moines Rapids to the mouth of the Ohio River to the Mississippi River Commission. Who asks that this be done? All the improvements on the upper Mississippi have been made according to the plans and under the sole direction of the Engineer Office of the War Department. These improvements have proved successful and satisfactory to all interested; and I believe I voice the unanimous sentiment of the people of the valley of the upper Mississippi when I protest against the proposed change. I have to-day received a joint resolution of the Legislature of my own State protesting in the following emphatic terms against this proposition:

The improvement of the Mississippi River between Saint Anthony Falls and Cairo, and the consequent train of benefits, depends upon the carrying out of the plans which have been formulated by the engineers of the Army after many years of study and examination, without aid or advice from any one, and all the good results attained are due to their efforts, and limited only by the humble means placed by Congress at their command.

We have observed with great concern during the last few years that the work so well planned and successfully inaugurated by the engineers has been placed under the supervision of a newly created commission by interpolations in the appropriation bills.

This supervision we regard as not only unnecessary but hazardous to the best interests of our State, involved as they are in the completed improvement of the Upper Mississippi River. We believe that the parties who devised these plans will best execute them, and the credit should rest in their hands.

If it is the desire of Congress to maintain efficiency and integrity in the expenditure of money appropriated to carry on the work of river and harbor improvements, it should not restrict the jurisdiction and cripple the powers of the Engineer Department. If, on the contrary, it is the purpose to inaugurate an era of corruption and jobbery, a system of private contracts, then it should adopt this legislation as the first step in such direction.

Mr. Chairman, it is my earnest wish to be able to vote for this appropriation, and I trust that the objectionable features may be so elimi-

nated from it as to enable me to do so. As it now stands I certainly can not.

[During the delivery of the foregoing speech of Mr. WASHBURN the following proceedings occurred:

Mr. STONE. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman from Massachusetts has ten minutes of his time left.

Mr. WASHBURN. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes additional time, to be taken out of the time to which the debate is limited. Is there objection?

Mr. HISCOCK. Mr. Chairman, could you not give the gentleman the time by unanimous consent without taking it out of the time?

The CHAIRMAN. That is not in the power of the Chair.

Mr. HISCOCK. I ask that the gentleman from Minnesota be allowed five minutes beyond the time fixed for closing the debate.

The CHAIRMAN. That is not in order. The House has limited the time at which the debate shall close. To whom does the gentleman from Massachusetts [Mr. STONE] surrender the remainder of his time?

Mr. STONE. I yield the remainder of my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, supposing the figures that have been given by the gentleman from Minnesota [Mr. WASHBURN] with reference to the cost of this improvement at Galveston to be correct, do they not justify as a pertinent inquiry this: Would it not be cheaper and much more economical for the United States to move Galveston to a harbor rather than try to move the harbor to Galveston? [Laughter.]

I am heartily in favor, sir, of some of the purposes of this bill. I believe that the rivers and harbors of this country should be improved for the purposes of navigation, and for purposes of navigation alone. Many of the objects of this bill meet my hearty commendation. The Hennepin Canal is, in my judgment, a most meritorious improvement. It is demanded by a large section of this country. It has been demanded by three State Legislatures, representing more than ten millions of people, and there is no feature in this bill which should so heartily commend it to the attention of this committee.

But there are some of its features that in my humble judgment ought to meet with reprobation, and prominent among them is the provision for the pretended improvement of the navigation of the Mississippi River. I am in favor of reasonable and necessary appropriations for this river, but I want to ask the gentlemen if they have given thought to the enormous cost that is involved in this proposed improvement, to say nothing of the probabilities as to its success. I am prepared to assert, and in my belief to prove, that this improvement contemplates an outlay of more than \$150,000,000—one hundred and fifty millions for a scheme of improvement which is shown by the commission themselves to be entirely experimental in its character. None of the distinguished engineers that have charge of this work has yet had the temerity to say in any official document that their plans will result in success. Year after year they come to us saying that the whole scheme is experimental in its character. Year after year they tell us that more time must elapse before they will be able to say with certainty that their work will be a success.

They have given us, however, some estimates as to the probable cost. In their report of 1881 they tell us that the cost of the improvement will be \$33,000,000. But, sir, in that same report they tell us that the improvement of two of the reaches, only sixty-three miles in length, will be something in excess of two and a half millions of dollars. Yet, in the last report that we have, or at least in a minority report, Colonel Comstock gives the country the important information that these estimates are erroneous; that a sum in excess of the estimates has already been expended; that the improvements upon these two reaches of the river do not approach completion, and that, in his judgment, at least three times the estimate, or \$8,000,000, will be needed for the perfection of the navigation of those two reaches.

This is Colonel Comstock's language in his last report:

The original estimate of the commission for thirty-eight miles of the Plum Point reach was \$1,432,000; and for twenty-five miles of the Lake Providence reach, \$1,238,000.

It is now certain that the cost of these works will be not less than three times the original estimate, and even yet it is not practicable to state with definiteness what the ultimate cost will be.

Two million six hundred and seventy thousand dollars was the estimate of the commission for the improvement of sixty-three miles of river. More than this sum has already been expended, and we are now informed by a member of the commission that three times the estimate will be necessary, or \$8,010,000.

And he speaks only with reference to low-water navigation. He leaves out of the estimate entirely the cost of the levees upon the banks of the river. Before the committee appointed by this House of Representatives in the Forty-seventh Congress much valuable information was given. Witnesses were called before the committee and members of the commission were questioned and required to answer, under the solemnity of an oath, as to the probable success and the probable cost of this improvement; and one gentleman, an engineer of distinguished

repute; the one I have already named, stated there that, in his judgment, \$66,000,000 would probably be required in order to perfect the channel navigation alone, leaving out of account altogether the enormous cost of the levees upon the banks.

Mr. BLANCHARD. Will the gentleman name the man who made that estimate?

Mr. HEPBURN. Colonel Comstock.

Mr. BLANCHARD. And is not Colonel Comstock in a minority in the commission all the time?

Mr. HEPBURN. In reply to the gentleman I say that no other man has dared to give an estimate that he would stand by. There is no one that has dared to contradict Colonel Comstock throughout all the controversy from first to last.

Mr. BLANCHARD. Will the gentleman yield for a contradiction now?

Mr. HEPBURN. I can not yield. I have only ten minutes altogether.

Mr. BLANCHARD. Well, the statement is not according to the facts.

Mr. HEPBURN. The statement is not according to the facts, says the gentleman. I will confront him with the record and show who is correct in this matter. Here is the testimony of Colonel Comstock on this point:

Question. You state that you are working for this idea of confining the river within a space of 3,000 feet wide from Cairo to Red River.

Answer. Yes, sir.

Q. Do you expect that you can accomplish that within a reasonable time and with a reasonable expenditure of money?

A. We are working toward that limit, and our estimate is, if some definite sum is appropriated, that work can be carried sufficiently far to give ten feet of water from Cairo to Red River. It will not make a river with parallel banks everywhere. Much of that depends upon experience yet to be ascertained. Much of the river we want to make with parallel banks.

Q. Therefore it is impossible to tell the time that will be required, or to state the cost?

A. The time required depends on the rate of appropriation. The estimates vary from \$30,000,000 to \$60,000,000.

Q. That depends largely upon the number of places that are to be worked upon this plan?

A. My own judgment is that we must work the whole length of the river.

Q. Do you believe it can be done for \$66,000,000?

A. Some such sum as that; we have no experience on which to base our work, or rather our estimates.

Q. You would not, on your own reputation, say that would be the outside limit?

A. No, sir; nor would I say it would be the outside limit either in the way of being too much or too little. It may be less or it may be more than that.

There you have it, Mr. Chairman. The best estimate this gentleman can give of the cost of improving low-water navigation—the 3,000 feet limit—is the enormous sum of \$66,000,000.

Why, Mr. Chairman, the nearest approach the commission has ever come to an estimate was in 1881 in its report of that year. This is the language used:

The estimates of cost submitted in the report of February 17, 1880, for initial works upon six reaches of the river between Cairo and Vicksburg, embracing an aggregate length of one hundred and eighty-four miles of bad navigation, amounts to \$4,113,000, and it was stated as the opinion of the commission—

“That such additional works as will ultimately be required to complete and render permanent the improvement contemplated in this system at the localities specified will not exceed the amount stated as needed for initial works.”

This would amount to \$8,225,000 for one hundred and eighty-four miles, or about \$45,000 per mile.

These estimates cover about one-fourth of the length of the river where navigation needs improvement, namely, from Cairo to Red River; and assuming that the remaining three-fourths will cost proportionately, the aggregate cost of the entire improvement would reach \$33,000,000.

The Plum Point and Providence reaches were included in the specific estimate in the first of the above paragraphs, and the estimate for them was something over two and one-half millions, but Colonel Comstock has stated that here was an underestimate of about five and one-half millions; that eight millions will be required when only a little over two and one-half was anticipated. This mistake was made with reference to the two reaches best known. If such mistakes were possible in respect to them, what may we not anticipate with reference to the others? If the commission has made no worse blunder in respect to other parts of the river, we may confidently expect that the total cost for channel improvements alone will reach the enormous sum of \$99,000,000.

When we remember the character of this work, when we remember that it includes the building of one artificial bank in mid-river, and the covering of at least one natural bank with expensive mattresses, made of wire and brush, from the bottom of the river to the summit of the bank, and covering the exposed bank from low water to the summit with stone one foot deep the whole distance from Cairo to the mouth of the river, a distance of 1,085 miles, we can have some idea of the enormous cost of the channel improvement.

This improvement is to be continuous the entire distance from Cairo down. Colonel Comstock, in his testimony already quoted, says: “My own judgment is, we must work the whole length of the river.” The commission in the report of 1881 say:

The commission are, however, prepared to recommend the application of the methods and details heretofore described to the lower river, from Commerce, Mo., downward, with such continuity as will not only improve the immediate localities where navigation is now bad, but will also establish and retain such control over the high-water discharge as will arrest that tendency toward dete-

riation which has rendered the systematic improvement of the entire river necessary.

While this order of progress is proper for works designed to amend and regulate the existing channel, those undertaken for the purpose of retaining or increasing the volume of discharge within the bed, such as levees and dams for closing outlets, should begin below and be carried continuously up stream.

These quotations would seem to settle the question as to the extent of the work and its continuity, and in view of the opinions expressed I hope gentlemen will not continue the assertion that it is only in a few places that work is required. It might not be so intolerable if the cost ended with the enormous expenditures for channel improvement, but it does not.

Mr. Chairman, this is not the whole of the case. This same committee of the last House made a voluminous report. The present Speaker of the House was a member of that committee. They spent weeks, as I understand, investigating the subject. They went over the route. They examined scores and scores of witnesses, and that committee have told us as their solemn judgment, first, that the levee feature of the improvement is entirely unnecessary as a factor in the improvement of low-water navigation; and second, that the cost of this improvement is to reach an enormous amount, somewhere between \$50,000,000 and \$100,000,000.

The language of the committee is as follows:

The probable expense of a system of levees of sufficient strength to hold the flood waters of the river within a channel, as is proposed by the commission, of 5,000 feet, is variously estimated from \$50,000,000 to \$100,000,000, while many witnesses are not presumptuous enough to even venture upon an estimate of their ultimate expense.

Messrs. ELLIS and THOMAS, of the committee, filed a minority report, but in speaking of the cost use this language: "The expense will be great, exceeding in all probability the sum of \$50,000,000 if it is true."

Many gentlemen have stated that levees are of but little if any value in the improvement of low-water navigation. On this point your committee say:

Your committee are satisfied, from the evidence, that the people along the banks of the Mississippi are chiefly and naturally interested in the building of levees, not so much in the interest of navigation as to secure their lands from overflow and thereby enhance their value. If the building of levees was essential to the improvement of navigation, the fact that they afforded protection to the riparian owners would be no reason for discontinuing them. On the contrary, such a result would be extremely gratifying. Your committee, however, do not believe that they are essential to the improvement of the low-water navigation of the Mississippi, and that their construction for such a purpose can not be justified.

No one, I believe, claims that the low-water navigation will be improved by the use of levees. Many distinguished engineers say they will not be beneficial when the river is at flood, except to protect the adjacent lands. The commission regard the levees as an experiment. Senator HARRISON, when a member of the commission, joined with Colonel Comstock and the committee of this House in the opinion that they were of no benefit to low-water navigation. Yet this bill permits the commission to go on in a lavish outlay of the public money solely for the purpose, as I believe, of improving and enhancing in value the private property of citizens.

Mr. Chairman, I want to see the navigation of the Mississippi River improved, but it only needs it when it is low. When it is at flood the navigation is good enough, and it is only when it is at flood that anybody wants the levees. When the river is in a condition that navigation requires improvement, no one cares about the levees.

Another feature of the bill that appears to me as objectionable is that providing for the improvement of the Galveston Harbor; and here I desire to say that I would interpose no objection to the appropriation of a reasonable sum to accomplish this improvement. But in my opinion there should be a proper relation between the expenditure and the importance of the locality to be improved in respect to its population and its commerce. Let me call attention to the fact that there are but two lines of railway reaching the town of Galveston. If you wish to intersect the railway system of the State of Texas, you must leave that city and travel to the northward. No considerable portion of the commerce of the State has as yet reached that port. In an appendix to a report made by one of the Senators representing that State in the other end of the Capitol, on the 30th of June last, I find the following:

Statement showing the amount of exports of merchandise from and imports into the port of Galveston, Tex.

DOMESTIC EXPORTS BY ARTICLES, 1883.

Articles.	Quantities.	Values.
Cotton.....	{ bales..... 516,998 pounds.. 268,276,602 }	\$29,023,673
Oil-cake and oil-cake meal.....	56,921,742	516,857
Animals, living.....		16,645
Wood, and manufactures of.....		11,446
All other articles.....		59,277
Total domestic exports.....		29,627,898
Foreign exports.....		1,149
Total domestic and foreign exports.....		29,629,047

It will be borne in mind that this is a report made by a friend of this improvement, and I assume that it is as favorable as it could be made. Yet how utterly insignificant the whole statement appears in comparison with the exports and imports of New York, Boston, Philadelphia, and other cities. Eliminating the one export, cotton, and the remaining total is but little in excess of a half million of dollars.

The imports are, by the same report, shown to be as follows:

Articles.	Quantities.	Values.
Coffee.....	pounds... 9,262,555	\$732,233
Railroad bars, iron.....	do..... 5,557,945	77,974
Railroad bars, steel.....	do..... 11,206,810	167,161
All other manufactures of iron and steel.....		231,260
Coal, bituminous.....	tons... 33,486	76,002
Articles, the produce of the United States, brought back.....		40,755
Salt.....	pounds... 16,725,636	31,660
Wine, spirits, and cordials.....		15,830
Beer, ale, and porter.....	gallons... 18,066	14,369
Earthen and stone ware.....		14,162
Fruits of all kinds, including nuts.....		12,439
All other articles.....		97,927
Total.....		1,511,712

Iron and steel and coffee amount to \$1,208,628 in value, leaving a total of less than a third of a million of dollars as the value of all other articles. But it has been said that Texas must have this port in order that her cereals may reach their market. I regard this as a mistake; Texas has no surplus for shipment. In view of what has been said of the magnificent extent of this great State, I make this suggestion with commendable diffidence. It may astonish gentlemen after the addresses we have listened to in commendation of this scheme, but the statement rests upon proofs that these gentlemen can not controvert. I again appeal to the report of the Senator from Texas; I call up a witness of his own selection—one eminently worthy and well qualified—a no less distinguished gentleman than Hon. J. R. Dodge, of the Agricultural Bureau. He has prepared, and the Senator indorses by incorporating into his report in favor of this improvement, the following table:

Product of cereals in Texas in 1882 and 1883.

Cereals.	1882.	1883.
	Bushels.	Bushels.
Corn.....	63,416,300	63,145,300
Wheat.....	4,173,700	4,301,000
Rye.....	60,900	57,855
Oats.....	9,985,800	9,483,300
Barley.....	118,720	127,099

There is usually no surplus of any of the cereals in Texas. The supply of corn last year was about thirty-five bushels per capita, which was average supply of the United States per capita in the census years. The wheat supply was only about two and a half bushels, which is less than the consumption of the State.

The only cotton State which ever has an appreciable surplus of corn is Tennessee, and that is but a small and unreliable quantity.

J. R. DODGE, Statistician.

In the great staple of corn Texas does not produce sufficient for her own people, and does not produce one-half enough of wheat. The average consumption of wheat in the United States is nearly six bushels to each of the population. Texas produces less than half enough for her own people. In view of this statement by the eminent statistician, does not all of this talk about the necessity of this improvement in order that the grain of Texas may reach a foreign market sound like the veriest gasconade.

But it is said that the improvement is demanded in order that Texas cattle may be able to reach a market. Let me again call your attention to the statement of Professor Dodge. He says that the total shipments of living animals of all kinds in the year 1883 aggregated but \$16,645 in value.

Yet the census of 1880 informs us that roaming the prairies of Texas are more than 6,000,000 of cattle. Six millions in the State and \$16,000 worth shipped from the principal port of the State! There would seem to be something radically wrong in this if it were not known that the great State of Texas was as destitute of cattle suitable for the European market as she is of corn and wheat. The grass-fed cattle of Texas, the small-hamed and big-horned cattle of the Southwest, will not bear ocean shipment. The cattle that are in demand for foreign shipment are the corn-fattened steers of the highest grade. No others will stand the shrinkage and the other elements of the cost of transportation. The market for Texas cattle lies to the northward.

Recognizing this fact, gentlemen from that State have been pressing upon the attention of members of the House the necessity of the establishment of a national cattle-trail six miles wide, with convenient feeding-grounds, not more than twelve miles square, and extending from the south line of the Indian Territory to the northern limit of the United States. Surely Texas is in her most modest mien. All that she wants at present is the use of a strip of the public domain twelve miles (or

thereabouts) in width and 1,000 miles or more in length for her cattle-trail, and \$9,000,000 for a harbor at which to export those not driven. Would it not be better to pack the attenuated carcasses of her beeves in their immense and wondrous horns and float them out to vessels over the Galveston Bar?

The principal use Galveston would have for an improved harbor would be in the shipment of cotton. In 1883 she shipped coastwise and abroad 516,993 bales, or about 6,000 car-loads. This could certainly be carried to New Orleans for \$35 per car, or a total sum of \$210,000. This improvement will cost, I believe, at least \$9,000,000. The interest of this sum, at 3 per cent., would be \$270,000 per annum. The \$9,000,000 of cost would certainly be worth 3 per cent. to the Treasury. Now, would it not be better for the Government to be at the charge of carrying all of this cotton from Galveston to New Orleans—making the owner a present of the entire freight-money—than to undertake this improvement? In my judgment it would be better, even if there were no subsequent cost for the repair and maintenance of the costly structure.

But, Mr. Chairman, gentlemen have insisted that the improvement is not to be very costly. And it has been suggested that the ultimate cost is to be much less than the sum named in the Senate bill providing for the work. I am afraid gentlemen are not quite sincere when they so declare. I am afraid their judgment has been disturbed by too eager desire. They have, I fear, tried to convince the House without themselves being convinced. What evidence have gentlemen of our committee, bearing upon this point of ultimate cost, that was not in the possession of the distinguished gentleman who made the report to the Senate that I have already referred to? That gentleman is distinguished for the care with which he makes investigation and the fidelity with which he makes report. His report is an elaborate argument in advocacy of the bill which proposed to pay Captain Eads the sum of \$7,750,000 for securing the results that are contemplated by this bill. No gentleman has authority for saying that the plans to be pursued under this bill are other or different from those contemplated by the bill advocated in the Senator's report.

In this report we are informed that the improvement involves jetties extending 8.33 miles into the Gulf of Mexico. The writer institutes a comparison between the improvement at the mouth of the Mississippi and at Galveston. The report says:

By the terms of the bill Mr. Eads is required to secure a maximum channel of not less than thirty feet in depth for a total compensation of \$7,750,000. In view of the work to be done and the results to be accomplished, the committee is satisfied that this is a reasonable compensation. The cost of the jetties at the mouth of the Mississippi River was fixed in 1874 by a commission of engineers at \$5,342,110, and Mr. Eads afterward agreed to do the work for \$5,250,000. The commission referred to was composed of Generals Wright, Alexander, and Comstock, of the United States Engineer Corps, Prof. Henry Mitchell, of the United States Coast Survey, and T. E. Sicles, W. Minor Roberts, and H. T. Whitcomb, distinguished civil engineers. It may be safely assumed that the estimate of this commission, made after an inspection of similar works in Europe and after a careful examination and study of the whole matter, was a fair one, and if this be true, it follows that the maximum compensation provided for in the present bill is reasonable, because—

First. The jetties at Galveston must be considerably more than double the length of those at the mouth of the Mississippi to reach out to the same depth of water;

Second. They must be of a heavier and more substantial character, because the water is deeper, and, as they extend so much farther out into the Gulf, they will be much more exposed to storm action;

Third. The work being so exposed, there will be greater danger of injury to the boats and apparatus used in its construction; and

Fourth. In addition to the jetties over the outer bar, works of an extensive and costly character will be required to deepen the inner bar.

The profiles of the Galveston Bar show that the average depth of water to mean high tide for the two jetties will be thirteen and three-quarter feet. Applying the form of the average cross-section of the Mississippi jetties to this depth with twenty feet width at the top shows that the required average cross-section at Galveston for jetties of equal strength will require 1,018 square feet of section or 138 per cent. more material than the Mississippi jetties. The profiles also show that the jetties at Galveston must have an aggregate length of not less than 8.33 miles.

It has been shown above that 8.33 miles of jetties at Galveston, if of no larger average cross-section than those at the mouth of the Mississippi, would cost \$2,646,207. To this must be added 138 per cent. for the increased depth at Galveston, and this would amount to \$3,651,765, making an aggregate of \$6,297,772. The cost of the works to deepen the inner bar at Galveston are not included in the above amount. These will probably cost as much as the works at the head of the South Pass of the Mississippi River. In the works at the head of the South Pass there was 301,515 cubic yards of brush and stone, which at the price of \$2.83 per cubic yard would amount to \$869,868. This sum may therefore be added to offset the cost of the works on the inner bar at Galveston, and this would make the aggregate cost of the works \$7,167,640.

There can be no doubt of the fact that the works at Galveston, during their construction, will be exposed to danger of injury from the violence of storms. The works at the mouth of the Mississippi River were, owing to their location, not subject to this danger to the same extent. When once these works at Galveston are completed and solidified they will be strong enough, Mr. Eads guarantees, to resist the most severe storm without serious injury. The time when the risk of injury is greater is during the progress of construction. At such a time these works, built out for miles into the Gulf and with no protection against storms, must be injured to a greater or less degree. In estimating the cost of any great work a percentage to cover contingencies is usually added to the price, and should be allowed. In view of the risk of injury to the works during construction, and of their failure to produce the stipulated depths, the committee is of opinion that 25 per cent. should be added to the total estimated cost to cover contingencies. This would amount to \$1,791,960, which, added to the cost of the work, makes the total sum of \$8,959,600.

This argument emanating from this distinguished and authoritative source ought to satisfy gentlemen of the committee that the grand total of cost, arrived at after such solicitous care, and after exhausting every

source of information, is correct, and that the whole cost of the Galveston improvement is but \$40,200 less than \$9,000,000. When we remember how liable the friends of any appropriation of this character are to underestimate cost rather than overstate it we may, I think, safely say that this work involves a depletion of the Treasury exceeding the sum last named. In comparison, Mr. Chairman, with appropriations heretofore made to improve the great harbors of the nation, this sum seems to be an immense one and greatly disproportioned to the needs of a city of 22,000 inhabitants with an established commerce, such as the friends of this bill have shown to belong to the port of Galveston.

I have in my possession, sir, a clipping made from a recent number of the New York Tribune. I have not examined it to see if the sums stated to have been appropriated to the cities named are correctly stated, but I assume them in the main to be. The writer says:

It is estimated that the improvement of Galveston Harbor, according to the scheme which the committee is urged to adopt, will cost nearly \$8,000,000. That sum exceeds by about \$5,000,000 the total expenditures on the harbor of New York from the first appropriation thirty-three years ago down to the present time; it is more than four times as great as the total sum expended on Boston Harbor, six times as great as the total amount expended for the improvement of Chicago Harbor, nearly eight times as great as the sum total appropriated for Baltimore Harbor, and it exceeds by more than \$3,000,000 the amount paid to Captain Eads for jetty improvements at the mouth of the Mississippi.

Three millions for New York with its hundreds of millions of foreign commerce and its 2,000,000 of inhabitants. Eight or nine millions for Galveston, with its 22,000 inhabitants and less than \$30,000,000 of foreign commerce. It can not be said that this great inequality is because the great mart has received all that is needed, and that no further demands are made. This is incorrect. Year after year demands have been made for greater harbor facilities, so that the produce of the West might be more cheaply handled. The Harlem River improvement and others have been knocking vainly year after year at the door of your committee. It has no money for increased facilities in New York Harbor, but millions for the disturbance of the pastoral calm and the unweeded waters of the quiet village on the shores of the Gulf of Mexico.

There is a question involved in this improvement that seems to me to be one of great importance to those gentlemen who are known as strict constructionists, gentlemen who are always fearful lest something will be done by the Congress without proper warrant in the Constitution. I believe that the larger number of this school of statesmen who adorn this committee are advocates of the Galveston improvement. Many of them think that the construction of a canal connecting the waters of the Mississippi River with the great chain of lakes and giving a water way from the prairies of Iowa to the Atlantic would be an unwarranted and unconstitutional exercise of power and a profligate misuse of the public treasury. I would ask such, "What is the improvement you contemplate over the Galveston Bar? Is it not the digging of a canal—a canal 8.33 miles long, 17 feet deep, and 200 feet wide?"

It is true that it is covered with water, but aside from this peculiarity and in addition it has every element and quality of a canal. It is a ditch filled with water, and that is a canal. If some of the fossils who oppose the Hennepin Canal had been called upon in their youth to pass upon the question they would have found all of the conditions to be similar; for in the glacial period, we are told by scientists, all of our grand Mississippi Valley was covered with water, and in that early day the construction of the Hennepin Canal would have been in all of its characteristics and phenomena like the proposed improvement under the surface of the Gulf.

This section of the bill involves the establishment of jetties extending from the shore line into the Gulf of Mexico a distance of 8.33 miles. The jurisdiction of the United States extends from the shore line, at low tide, the distance of three miles. The contemplated improvement extends five miles farther. It extends for five miles into the high seas, into the common jurisdiction of the commercial nations of the world. As a nation we have no exclusive jurisdiction or exclusive right. Yet we are usurping such jurisdiction and right. Suppose that on this improvement, eight miles from our shore, a crime is committed. By what law and who will punish it? Not by the statutes by the usual process of law, for the offense was committed more than a league from the coast line. Not by admiralty, because it was not committed on a vessel covered by our flag. It will not do to say that the water along this distance is not very deep, and therefore this distance does not enter into or become a part of the league by which our jurisdiction is extended from our shore. Is it not the presence of the water rather than its depth that is to be regarded?

Again, if we have the right to invade the high seas for a distance of five miles, why may we not, if we choose, carry the right farther—from Florida coast to Cuba? Where is the limit to which we may go? Does not this construction involve every principle of constitutional power that would be involved in the building of Captain Eads's ship-railroad or a canal across the Isthmus of Panama? And how can gentlemen who can not build a canal within our jurisdiction engage in such an improvement outside it?

I beg to call the attention of the gentlemen of the committee to a provision of this bill of very astonishing character:

Said works shall be constructed according to the plans, specifications, and estimates to be submitted by James B. Eads as hereinafter provided for.

Mr. Chairman, have you ever seen in law or resolution a provision

so anomalous as this? It puts the entire Treasury of this Government into the hands of this man Eads. There is absolutely no limitation placed on his expenditure, or the necessity that he may create for expenditure. He has made no estimates, specifications, or plans. He is yet to make them, and when they are made the Secretary of War and the Engineer Corps of the Army are to accept them without demurrer or dissent, and execute them. The will and the judgment of the sworn officers of the Government are in subjection to a person not an officer, not under oath, nor under bond. It will be remembered that it has been somewhat boastfully said by a gentleman very friendly to this bill that the city of Galveston was obligated to pay to Eads in case of his success a sum much larger than that proposed by the Government.

This is in itself a fact that in my judgment unfits him for the service of the United States. There ought not to be any divided duty or divided obligation connected with trusts of this character. The larger the expenditure the better will the interests of Galveston be served. The expenditure of \$9,000,000, largely for labor and crude materials, in that city, will be a wonderful blessing to her people even if no ship should ever pass through the improvement; and the larger the expenditure the farther will the interests of these good people be concerned. I think they have been too liberal to Captain Eads to commend him to this committee.

But I find another most singular provision in this bill, in the following language: The appropriations for the Mississippi River "shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, as approved or amended by an advisory engineer of said commission, which office is hereby created, said advisory engineer to be appointed by the President, at a salary of \$3,500 per annum; and James B. Eads is hereby recommended to the President for that position."

Here you will notice, gentlemen, that Captain Eads is again made absolutely controlling. If he does not approve, the work of the commission shall not go forward. They may plan and devise, but he must approve. They have had the experience of years, but he may amend any or all of their suggestions. Does it not seem that our honorable committee have been seized with a blind infatuation for this distinguished engineer that would be rebuked in a school-girl of 15 years?

Mr. Chairman, I have no hostility to the city of Galveston, or any proper plan for the improvement of her commercial facilities. We have already expended more than a million and a half on that harbor. The engineer in charge says that one million more will complete his work, resulting in a depth of twenty-five feet in that harbor. I am willing that this sum shall be appropriated, but I am not willing to throw away the sums already expended and begin anew. Let me call your attention to the latest report of the officer in charge:

Officer in charge, Maj. S. M. Mansfield, Corps of Engineers, having under his immediate orders Lieut. W. L. Fisk, Corps of Engineers. (During the interval between August 1, 1883, and October 1, 1883, the works were temporarily in charge of Lieutenant Fisk.)

1. Entrance to Galveston Harbor, Texas.—The adopted plan (project of 1874, modified 1880) covers the work of deepening the bars by contracting the outflowing current upon a less extent of bar, to thereby effect its removal and prevent its reformation.

The amount expended to June 30, 1884 (including \$100,000 of Galveston city funds), was \$1,496,522.81. Of this amount, and under the project of 1880, \$989,662.51 was applied to jetty construction, namely: Ninety feet on the north side and 22.551 feet on the south side of the entrance prolonged gulward. The expenditure of the gross amount has resulted in obtaining and maintaining a good channel over the inner bar, and a very apparent improvement in depth over the outer bar.

The work of the past year was that of building up the south jetty, \$100,000 of the city funds having been applied thereto.

The estimate of 1889, \$1,825,813, contemplated the obtainment of a channel across the outer bar of at least twenty-five feet deep, conditioned upon continuous work under annual appropriations of \$500,000. The conditions governing the estimate not having been observed for the past four years, the work has dragged in consequence.

About one-half the estimated work is completed, and with its accomplishment is gained not only valuable experience, but results of such importance as strengthen confidence in the plan established looking to the full improvement expected.

The estimated amount required for the entire and permanent completion of the work of improvement, in accordance with the project of 1880, is \$1,000,813.

Let us go forward with this improvement in harmony with the plans on which so much money has been expended, the experience and advice of our engineers, and on a basis of cost that has proper relation to the demands of commerce, the importance of the city, and the expenditures by which our business has been fostered and developed in other States.

Again I declare myself in favor of liberal appropriations for the improvement or construction of all needed water ways. Still I am reminded that the speakers and writers of the Democratic party in the States where I reside were busy in their denunciation of the river and harbor bills of late years. "The infamous river and harbor bills," they called them. They said I "had betrayed the interests of my constituents in voting for these infamous and iniquitous measures." I had voted for one, I had voted against two. That fact seemed to make but little difference to my assailants. I was charged with voting for all.

And, Mr. Chairman, unjust as I regard the two provisions of this bill that I have discussed, I may give it my vote; I shall try to have it

amended in the particulars named. If I can not do so, if it should contain the provision for the Hennepin Canal when put on its final passage, I shall give it my vote. The Legislature of the State of Iowa has instructed the representatives of the State to support that measure. I believe it to be eminently wise and just. The people with united voice demand it. It will add millions to our savings each year! It will give us a corrective upon all of the railways that extend from our eastern border to our great market, and will do more to solve the transportation question in the interest of the great Northwest than the expending of \$100,000,000 in any other way.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and a message in writing was received from the President of the United States by Mr. PRUDEN, one of his secretaries.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. JONES, of Alabama. Mr. Chairman, when the pending bill was first under discussion it was said by the gentleman from Wisconsin [Mr. PRICE] that its benefits were divided unequally between the North and the South and that the South got the largest share. I had hoped, Mr. Chairman, that after reflection, after the gentleman from Wisconsin had slept upon the matter and had examined the figures relating to it more carefully, for he seems to be a figurative man, he would have withdrawn those remarks. But instead of doing so, Mr. Chairman, he comes here to-day reiterating and emphasizing those statements. He says to-day that this bill is marred and scarred from Genesis to Revelations with sectional inequalities.

Mr. REED, of Maine. There are no "revelations" in it. [Laughter.]

Mr. JONES, of Alabama. Now, sir, that statement is sufficiently refuted when we consider that this committee, consisting of fifteen members, embraces ten from the North and only five from the South. Where is there ground for any inference of any improper conduct, any "fraud," as the gentleman charges—for he used the word "fraud"—in a committee composed as this one is?

Mr. Chairman, the gentleman says—and he is sustained only by the gentleman from Minnesota [Mr. WASHBURN]—that there is inequality in this bill; that the great, the expensive, the extravagant improvements are in the Southern portion of the country; that one Southern improvement at Galveston is to cost \$7,000,000. I will remind the gentleman that there are four Northern improvements provided for in this bill each of which is to cost \$7,000,000; and I will name them: Sandy Bay, the Hennepin Canal, Toledo, and the mouth of the Columbia River.

Mr. GEORGE. In this bill the committee have left out the mouth of the Columbia River.

Mr. BRECKINRIDGE. That was put by the Senate into the bill of last year.

Mr. JONES, of Alabama. Then there are three great Northern improvements embraced in this bill, involving an expenditure of \$7,000,000 each. Because one improvement in the South is to be provided for, why is all this clamor raised here? It does not appear in this bill at all that this Southern improvement is to cost \$7,000,000! Where is anything in the bill to that effect?

The gentleman from Minnesota refers to the Senate bill; but that is not a part of this bill. It is provided in this bill that this Galveston improvement shall be under the direction of the Secretary of War, upon such plans and specifications as shall be furnished by James B. Eads. There is nothing about \$7,000,000. Why, sir, this work, as prosecuted by the Secretary of War, may cost but \$4,000,000. Where is any motive or any interest on the part of James B. Eads to make it cost \$7,000,000? What would he get by reason of the enlarged cost?

Mr. WILLIS. The Chief of Engineers has said that upon these plans the work could be done for two and a half million dollars; and for this reason the committee have proposed to put the work under the direction of the War Department.

Mr. JONES, of Alabama. Certainly. And what motive has the engineer who furnishes the plans to make it cost any more? His pay is not increased. The money is to be expended by the Secretary of War.

But to return to what the gentleman from Wisconsin says in regard to this bill. He would maintain that money ought not to be appropriated to the South because forsooth, as stated by him, in certain named States in the South the judicial expenses of the Government amount to \$1,000,000, while in certain named States in the North with larger population the amount of such expenses is only \$700,000. Why, sir, it is admitted that these judicial expenses in the South are enormous, are greater than they ought to be. But how does this arise? If you will examine the reports or communications made by the present Attorney-General to Congress you will find that he characterizes these expenditures made down there by the present officials as corrupt and extravagant. But is the South to be visited with the consequences of this and not to share in a river and harbor bill because the judicial expenses in the South exceed those in the Northern States?

Mr. Chairman, there is no such sectionalism in this bill as is charged by the gentleman from Minnesota. I deny it. This committee, as I

have stated, has been governed solely by regard to the improvement of navigation and the interests of commerce. The evidence on which the committee acted in this matter is embraced in the records of the corps of Army engineers, and these officers are not from the South.

Mr. Chairman, since the Government was founded \$105,000,000 has been appropriated for the improvement of rivers and harbors. Why, sir, this Government appropriated to one Northern railroad more than that amount; and it was a railroad in the region of country where the two gentlemen to whom I have referred reside. Two hundred million acres of land have been granted to railroads in this country—land equal in area to the Empire of Germany. How little of this went to the South?

Of the \$105,000,000 heretofore appropriated for the improvement of rivers and harbors, how much or how little did the South receive? I have the figures here in Executive Document No. 6, and they show that the State of Wisconsin has received more than \$4,000,000, and that eight Southern States have not received in the aggregate as much as the single State of Wisconsin.

Why, sir, New York of that amount received \$10,000,000, his State received \$4,000,000; and Michigan received \$7,000,000 or \$8,000,000. So throughout the whole entire list.

Do I complain of this? Do I impute it as an offense? Not at all, sir, because I remember with pleasure that Daniel Webster, in his reply to Hayne, said that he claimed for himself and for New England great praise for having uniformly supported the most liberal grants from the public Treasury for the West and the South. And I remember, too, with pleasure, when the great improvement of the Mississippi River was under discussion a few years ago in this House, a distinguished gentleman from Michigan, a State that has received, as I said, nearly \$8,000,000, a distinguished member from Michigan, then a member of the Committee on Commerce, now before me [Mr. HERR], made the strongest appeal in behalf of that great improvement.

Daniel Webster said another thing, that there were no Alleghanies in his politics. I am afraid my friend from Wisconsin [Mr. PRICE] and my friend from Minnesota [Mr. WASHBURN] have not only Alleghanies in their politics, but they have the whole Rocky Mountain range in their politics. [Laughter.]

But enough, Mr. Chairman, on that point; enough on sectionalism. And now what of this improvement at Galveston which has been assailed more fiercely than any other measure provided for in this bill? Why should it not be made? Take a point from old Point Comfort round the Atlantic, around the Gulf coast, all the way to the Rio Grande, and you have only one first-class harbor, only one first-class harbor into which a first-class ocean-going steamer can enter. Reflect for a moment what an immense coast line that is? How did we get that first-class harbor? By the skill and genius of that Napoleon of engineers, James B. Eads. In no other way have we got a harbor in all that immense stretch of seacoast.

Take a point from that harbor, from Eads's jetty, and go round nine hundred miles to the Mexican line; and you have not a first-class harbor—you have not a second-class harbor.

Is this Government to put up with this state of things? Are the representatives of commerce to put up with this state of things? In the present condition of this country as a general rule the consumers are in one part of it and the producers in a different part of it. What they want is to get together, to get cheap transportation. How are they to do it? I am told a beefsteak costs in New England as much as a workingman's wages for a day amounts to, and the consequence is he does without a beefsteak. Now, New England not only gets her beef, but her food supplies, her lumber, her coal, her iron, and other raw material from points at a great distance from her. She gets them, too, over rail, and railroad rates are enormously high as compared with water rates. Now, sir, there is a water line from Boston all the way to Texas, where these products abound. Why, sir, Texas is stifled with abundance—smothered with her products as the Roman maid was crushed under the load of her jewels. They have all the things the Eastern people need, and yet the Eastern people can not get them because of a sand bar in front of Galveston.

Mr. Windom, in a letter of December, 1878, to the lake improvement convention at Saint Paul, says:

The cost of water transportation diminishes in proportion as the size of vessels increases. The value of any water route is measured by the capacity and efficiency of its most defective part. If from lack of proper improvements a single harbor on any given line can afford facilities for only the smaller class of vessels, the value of the entire line is graded down to correspond with the inadequate harbor.

But gentlemen say that under the plan adopted by this committee this improvement at Galveston can not be made. These gentlemen said the same thing when it was proposed to improve the mouth of the Mississippi River. The whole corps of Army engineers said the same thing. But they say the conditions are different at the South Pass. They say there is a great river there with its current that they do not have at Galveston. Now, it is a notorious fact that it is not the ordinary current of the Mississippi River that makes a scour in the jetty, but the extraordinary current caused by flood, and we have that condition in Galveston Bay. Why, sir, at certain periods certain winds prevail from the land to the Gulf, and they make that same ex-

traordinary current which we have at the mouth of the Mississippi River. While these gentlemen on this floor are so confident this improvement can not be made, they have unbounded confidence in the Corps of Engineers, which declared instead of getting too little water under his plan Eads would get too much water.

Gentlemen here say that Eads will get no water there. The Army engineers declare that you will get too much water by this plan of Eads's. How do you reconcile this discrepancy? If the Army engineers are good authority for you on one point, then they are good authority on the other, and they declare that Captain Eads by his plan will get too much water.

Mr. BAYNE. That they will get too much water at some points, but not enough at others; that is the objection.

Mr. JONES, of Alabama. I suppose that General Newton is good authority as to what the great engineers of the country believe on this question. He says, in a communication made to the Committee on Rivers and Harbors of this House, presented pursuant to the request of the committee, in speaking of this plan of Mr. Eads's:

In connection with this let us take a glance at the features of the locality. * * * Mr. Eads nor any one else could calculate—

Mr. HERR. What page do you read from?

Mr. JONES, of Alabama. I read from page 6 of this report—could calculate the depth to which the waters flowing out of Galveston Bay would excavate the channel if during strong tide they should be entirely confined between high jetties, particularly if placed close together.

Gentlemen say that on account of the sluggish current in Galveston Bay you can not get any water flow or current sufficient to give that wash of the channel which was obtained at the mouth of the Mississippi River. General Newton says that you will get too much water. Again he says:

His system—

Referring to Captain Eads—

as he announces it, is a violent forcing process, the effect of which he can neither calculate nor foresee.

General Newton goes on to say that if it was with Captain Eads a question of delivering the largest supply of water in a given time, he would be right in his estimates and plans; but that the question of improving the harbor in the manner suggested does not necessitate the obtaining of the greatest scour. And yet gentlemen tell us that they will get no scour; that there is no mode of getting a current or flow by which to scour out the channel. General Newton goes on to say:

It may be expedient not to obtain the greatest scour, but to regulate the scour so it will be useful, not hurtful.

Mr. BAYNE. That is just it; that is the point.

Mr. JONES, of Alabama. But gentlemen asserted that on account of the sluggish current there would be no scour at all. Against that statement I place the report of General Newton and the opinion of the Engineer Corps of the Army.

Now, Mr. Chairman, a word as to the expense. The expense of the improvement which has proved so beneficial and valuable at the mouth of the Mississippi River fell short under the direction of Captain Eads of the estimates of the Army engineers.

Mr. HERR. Will the gentleman permit a question?

Mr. JONES, of Alabama. Yes, sir.

Mr. HERR. Before you leave this point, I do not understand how you are going to put the pressure on the rear, as you have in the Mississippi River jetty system, whereby you are to get the results according to this theory.

Mr. JONES, of Alabama. I will explain. At certain periods of the year certain storms prevail, I believe, from northeast to southwest. These storms are violent in their character. Captain Eads proposes in his plan to take advantage of these storms that sweep this great volume of water out with rapidity and violence, and thus to utilize it to scour out the channel, as was done by the jetties at the mouth of the Mississippi River by utilizing the current of that river.

Mr. REAGAN. Will my friend from Alabama allow me a moment?

Mr. JONES, of Alabama. Yes, sir.

Mr. REAGAN. There is another reason why they can get good scouring power there. The Bay of Galveston is very large, some forty miles long, and perhaps on an average more than half as wide as it is long. The Trinity River, the longest river in the State, debouches in it, as also the Buffalo Bayou and the San Jacinto River; and this volume of water must go in and out of the channel to fill and empty the bay, and thus produce a scour of the channel.

Mr. HERR. But as I remember the harbor, Judge, from our examination, this difficult point is away out where they made those mattresses.

Mr. REAGAN. That is true. It extends beyond the point of the island.

Mr. HERR. And how will you get a scour out there?

Mr. REAGAN. By the water, as I have said already, going in and out of that channel to fill and empty the bay.

Mr. JONES, of Alabama. Now, by means of the jetty system that water during these storms will be confined in the channel and in its ingress and egress made to scour out the obstruction referred to by the

gentleman from Michigan. The jetties at the mouth of the Mississippi River extend some five miles in length. These jetties at Galveston will extend between ten and eleven miles, which will necessarily make the cost somewhat more than the amount that was expended for the Mississippi River improvement. At the mouth of that river the jetties were made of willow and other trees growing in the bayous, which could be utilized and gathered at little expense. Then when it became necessary to use stone it was transported down the river at a reasonable cost. At Galveston the jetties can not be made with mattresses; they must be built of stone, and on that account will be more expensive, for the reason that the stone must be transported from a distant point by railroad. So, as I have said, the expenditure will be necessarily greater; but whatever it is, Captain Eads is not benefited by it. The work is to be prosecuted by the Government, and he is simply to be employed on a salary.

It is also objected that the bill provides for an enormous expenditure of money. The bill carries only \$12,000,000 in round numbers. The river and harbor bill of last session carried about \$2,000,000 more than this, and yet it passed both Houses of Congress, received the approval of the President, and was acceptable to the people of the entire country. How, then, can this be said to be extravagant?

The fact is, Mr. Chairman, in view of the immense internal commerce of this country; in view of its population of 60,000,000, extending from ocean to ocean; its 18,000 miles of seacoast, and its more than three hundred rivers and harbors to be improved, I believe a much larger amount than \$12,000,000 would not be considered by the country extravagant or enormous. More than fifty years ago, when our population was only 7,000,000 and our revenues amounted to only \$14,000,000, John Quincy Adams was in favor of appropriating \$5,000,000 for the purposes of internal improvements. These appropriations are wholly beneficial. They are more beneficial than any other made by the Government. The appropriations made for the support of the Army, for the Indians, for pensions, and other objects are consumed in the use and leave no trace behind. Appropriations for the improvement of our great water ways are permanent and continuing. They are like good business investments, paying good dividends to the Government and the people. Like the quality of mercy, they are "twice blessed;" they bless the Government in increased revenues, and they bless the people in cheaper transportation and greater commercial facilities. At this time there is sharp rivalry among nations in the markets of the world. What we need is cheaper water transportation to enable us to compete with other nations in these markets. We need to make our products of the greatest value to the producer and at the same time furnish them at the lowest possible cost to the consumer. Nothing excels water for purposes of cheap transportation. To illustrate this I refer to some remarkable facts stated in a recent issue of the Pittsburgh Dispatch, as follows:

The magnitude of the work which is done in the transportation of coal by our river steamers is strikingly shown by the announcement elsewhere that one of the Pittsburgh boats on the late rise took down the champion tow of coal, amounting to 700,000 bushels. The freight moved by this single steamer was nearly 28,000 tons, or enough to load almost 2,000 cars. In the remarkable fleets which move acres of coal down the river at a single rise, an amount of freight is carried which would employ the constant services of two or three large railways; and the work is done at a cost which would furnish the motive power necessary to carry it half the distance by land. Whatever the shortcomings of our much-maligned river route may be in other respects, there is no doubt that it furnishes a magnificent highway for the carriage of our coal to the South. Without the cheap and vast movements of freight by river, half our coal would be left under ground and the other half would cost down-river consumers double prices.

Many millions of dollars were spent by the General Government to make and improve the magnificent highways referred to. They ought to have been improved even at the great expenditures made—the Ohio, Kanawha, and Monongahela. But, sir, there are other portions of our common country where similar expenditures and similar improvements ought to be made, in order to bring about the splendid and beneficial results enjoyed by people living on the Ohio and Mississippi. The facts here stated furnish the strongest argument in favor of similar improvements in the State I have the honor in part to represent. In Alabama coal and iron are found in greater abundance than in Pennsylvania and West Virginia. They are found in juxtaposition and in close proximity to noble rivers that, with small improvement, will furnish cheap transportation. Reports have recently gone to the country that have been regarded as fabulous in regard to marvelous mineral regions of Alabama. Distinguished members of this House from Eastern States, editors of great Northern journals, and capitalists, have lately visited these regions, and they declare, like the Queen of Sheba, that "the half has not been told."

Already, even with inadequate transportation and the high rates on railroads, coal is shipped from Alabama to Aspinwall and is sold at lower prices than British coal, and iron is sent to Philadelphia and Pittsburgh. A coke furnace on the Coosa River, costing \$100,000, turns out one hundred tons of iron a day, which is shipped to Pennsylvania at a freight charge of, say, \$5 a ton, and as it is made about \$6 a ton cheaper than in Pennsylvania, it is sold at a profit. Now, if the Coosa should be opened up to through navigation from Rome, in Georgia, to Mobile, a distance of seven hundred miles, and it is already navigable, except for a small stretch, there would be a saving of \$2 a ton on the transportation, and this would be a saving of \$200 a day or \$72,000

a year on an investment of the \$100,000. The gentleman from Maine [Mr. BOUTELLE] says "there is no bill coming before Congress that the people of this country scrutinize more jealously than the river and harbor bill. I deny it. Railroad centers, newspapers devoted to the interests of railroads, and certain localities whose rivers and harbors have already been completely improved by the General Government may look upon these bills with jealous scrutiny and hostility; but the people hail them as the most beneficial passed by Congress."

There are 125,000 miles of railroad in this country. They are not like free public highways, open to competition. They are above competition and make combinations to defy it. They make unjust discriminations against the public and are guilty of other abuses. How to control them is a great problem, a problem that is agitating our legislative bodies, and which Congress has been grappling with for ten years. While judicious legislation may accomplish much, the best and most effectual remedy will be found in the competition of the water way, and in improving our natural channels of water communication!

When ice obstructs navigation in northern rivers and lakes, up go railroad freights; when spring returns and the ice disappears, down go railroad freights. The following table, found in the report of Mr. Nimmo, Chief of Bureau of Statistics, for January, 1885, on the relations of railroads to commerce, shows the average freight charges per bushel on transportation of wheat from Chicago to New York during the year 1868 to September 1, 1884, inclusive.

Average freight charges per bushel for the transportation of wheat from Chicago to New York during the years 1868 to September 1, 1884, inclusive.

Calendar years.	By lake and canal.	By lake and rail.	By all rail.
	Cents.	Cents.	Cents.
1868.....	24.54	29.0	42.6
1869.....	23.12	25.0	35.1
1870.....	17.10	22.0	33.3
1871.....	20.24	25.0	31.0
1872.....	24.50	28.0	33.5
1873.....	19.19	26.9	33.2
1874.....	14.10	16.9	28.7
1875.....	11.43	14.6	24.1
1876.....	9.58	11.8	16.5
1877.....	11.24	15.8	20.3
1878.....	9.15	11.4	17.7
1879.....	11.60	13.3	17.3
1880.....	12.27	15.7	19.7
1881.....	8.19	10.4	14.4
1882.....	7.89	10.9	14.6
1883.....	8.40	11.5	16.5
1884, January 1 to September 1.....	6.60	9.75	13.0

*Including Buffalo transfer charges and tolls.

It was not until about the year 1868 that the managers of the trunk-lines regarded the transportation of grain from Chicago to the seaboard as a source of profitable traffic.

The reduction in the average rates of transportation by lake and canal from 24.54 cents per bushel in 1868 to 6.60 cents per bushel in 1884, in the rates by lake and rail from 29 cents per bushel in 1868 to 9.75 cents per bushel in 1884, and in the "all-rail" rates from 42.6 cents per bushel in 1868 to 13 cents during the year 1884, has been the direct result of the sharp competition which has prevailed between the competing railroads and with the water line formed by the lakes, the Erie Canal, and the Hudson River. This fall of rates has greatly stimulated the development of the agricultural resources of our highly productive Western and Northwestern States, and has tended enormously to increase the wealth of those States.

The gentleman from Texas [Mr. MILLS] showed by reports how a single improvement on a single river had resulted in a saving of 8 cents a bushel on grain exported from Saint Louis by way of New Orleans to Liverpool. When the jetties were completed in 1879 the grain exported from New Orleans to foreign countries amounted to 5,000,000 bushels, and this had been the amount for several years previously. In 1882, three years after, this was increased to 16,000,000 bushels, and Mr. Nimmo declares the increase was largely the result of the jetties. Now, sir, a saving of 8 cents a bushel on this amounts to over \$1,000,000. How much was saved on cotton and other exports? I feel warranted in saying this improvement, which cost this Government about \$5,000,000, paid for itself in one year in the saving it caused to the Government and the people.

Mr. WHITE, of Kentucky. Will the gentleman from Alabama yield for a question?

Mr. JONES, of Alabama. Yes, sir.

Mr. WHITE, of Kentucky. The gentleman has compared this Galveston Harbor to the mouth of the Mississippi, the outer portion of the jetties. I ask him if there is not there very deep water, almost an unfathomable depth?

Mr. JONES, of Alabama. Two hundred feet.

Mr. WHITE, of Kentucky. Whereas at Galveston, all along the seacoast, clear back to Burwick Bay, ninety miles out, it is shallow, from ten to twenty feet in depth. And will not the jetty have to be extended many miles to overcome this?

Mr. JONES, of Alabama. What the gentleman from Kentucky states is very true; but Captain Eads states frankly how he expects to overcome that difficulty. He expects by this heroic process, by this use of the current and the scour, to carry the sand to a distance where it will be dispersed by littoral currents.

Mr. HISCOCK. Will the gentleman permit me to ask him how deep do you go with your stone bed?

Mr. JONES, of Alabama. The gentleman from Texas [Mr. REAGAN] can answer that question.

Mr. REAGAN. About thirteen feet.

Mr. JONES, of Alabama. I yield the remainder of my time to the gentleman from Iowa [Mr. MURPHY].

Mr. MURPHY. With all respect to the kindness of the gentleman from Alabama who has permitted me to occupy the last ten minutes of his time, I am not unmindful of the fact that too much time has been occupied by members of the committee in talking upon this bill. I willingly therefore give my friend from Kansas [Mr. FUNSTON] an opportunity of being heard, he not being a member of the committee.

Mr. FUNSTON. Mr. Chairman, I have listened to the extended discussion of this bill and must admit I am puzzled when I attempt to understand how gentlemen living along the great thoroughfares of the country, made great thoroughfares by magnificent gifts of public lands, and enjoying all the advantages of great markets, made great markets by unstinted appropriations for the rivers and harbors on which they lie, can raise their voices against the appropriation for Galveston Harbor. I do not believe any of these gentlemen intend to be unfair. I would rather believe, and do believe, that some of them who have expressed themselves as being so near to being in favor of the improvement, need only to be located in that country to be entirely in favor of it. Their locality would then bring more vividly to their minds the importance of this work. They would then behold a vast country stretching to the east, the north, and to the west, greater in extent than the States of Illinois, Indiana, Ohio, and Pennsylvania, inhabited by millions of their fellow-countrymen; rich in minerals, rich in soil; the great center of animal industry of the United States, with thousands of ship-loads of wool, cotton, corn, wheat, and various other products of the country, much of which is rotting in storehouses and bins because it is too cheap in the markets to bear shipping over the long lines of railroads leading to the East.

They would behold this rich storehouse, this American Egypt, lying around and in easy access of a beautiful bay that needs only the generous action of the Government that has been bestowed on all others of importance throughout the land to make it one of the most useful harbors in all the world. Useful, I say, not only to the persons inhabiting that country, but equally useful to the millions of people inhabiting the Atlantic States in throwing down at their doors cheap wheat, cheap corn, cheap beef, cheap pork, cheap cotton, and many other things which enter into the daily demands of the poor as well as of the rich, and feed the thousands who spend their lives amid the hum of mechanical industry, as well as to furnish material to start the looms and factories which give employment to willing hands.

It is not local so far as the benefits are concerned, nor is it local when considered in connection with the grand system of harbor improvements which it becomes our interest as a thrifty people to make, and which I believe the good people of this nation desire that we should make. It is in the great line of thrift and prosperity and peace. It has none of the ugly murmurings of war in it. It is a work in which the peaceful Quaker and the gallant captain can alike take pride. The merchant will regard it as a harbinger of good times. The farmer will look upon it as repairing the nation's great gateway. He knows that the farm that is characterized by its fallen-down fences and brier-patches and choked-up roads is regarded as the home of a shiftless kind of fellow, and he knows also that a nation that is distinguished for its choked-up harbors while millions of its wealth lie rotting for want of a place to load it into ships must be regarded as a shiftless kind of people.

No one can regard the refusal of this appropriation as economy, and every thoughtful man must see in its refusal the worst of extravagance. We hear it said, however, by the opponents of this improvement that the harbors are not used when they are improved, and we are pointed to New Orleans as an example. It is true that the shipments from that place after the completion of the jetties was not so great as many desired; but it should be borne in mind that new routes of transportation are not adopted in a day even when the greatest advantages are offered. Shippers from force of habit alone are slow to make a change, and in the case of New Orleans, that route has been until recently regarded only as temporary, many believing, as did the United States Corps of Engineers, that the jetties would prove to be a failure.

Their success, however, is now assured, and shippers in reach of that point will soon begin to look in that direction as the cheapest and most practical way to reach the markets of the East and of the world. That improvement and other water-way improvements have already had the effect of cutting down the charges for transportation of freights by railway, and the accomplishment of that end alone at Galveston would pay the people and the Government in the course of time for all it would cost to make the improvement, though not a single ship-load should ever leave the harbor.

We need competition as well as capacity—not so much a new railroad for competition, for that would be but adding one more railroad to the pooling system against the people. We want water competition, a kind of competition railroads so far have been unable to control.

I understood the gentleman from Illinois [Mr. THOMAS] in his able remarks last Saturday to say he would be in favor of a reasonable amount to improve this harbor, though he fails to tell us what he regards as reasonable. He mentioned the Mississippi jetties, but I do not think he referred to them as unreasonable in cost; on the contrary, his discourse led me to believe he thought them reasonable, though I can not give his language on that point. They cost \$5,340,000. The jetties at Galveston, according to Mr. Eads's statement, are to be more than twice as long and are to cost \$7,750,000, or about 50 per cent. less, according to length, than the Mississippi jetties. Now, if the former is reasonable, certainly the latter must be also. This \$7,750,000, however, is not to be voted to Captain Eads; it is nothing more than his estimate, and if voted at all is to be voted to the Secretary of War. Captain Eads drawing from it only his salary of \$5,000 a year and an additional \$3,000 for each additional foot, not one cent of which \$3,000 is to be paid until twenty-five feet of navigable depth of water is obtained through the channel.

The gentleman from Illinois does not seem to think the work can be done cheaper, nor do we infer that he thinks it ought not to be done at all. He only appears to be repelled by the vast sum of money required. It is indeed great when compared with the average wealth of individuals, but it is no more to the Government than the cost of building an ordinary culvert across a bad place in the road would be to a person of average wealth, and I might add ought to be regarded in the same light that we do ordinary improvements of public highways.

Now, the gentleman from Pennsylvania [Mr. BAYNE] expressed himself as being in favor of an appropriation of five or six millions of dollars, but he did not like Captain Eads's plan; yet he dwelt vehemently upon the point that Captain Eads had no plans, and before voting the appropriation he demanded some. I am unable to reconcile that gentleman's two positions, unless he meant by the latter that he had no plans and specifications submitted as ordinarily is done in contracts.

But Captain Eads is not a contractor in this case. The work is under the Secretary of War, with Captain Eads as a hired engineer, receiving a stipulated sum per year and a certain amount conditionally for preparing the plans, specifications, and estimates, and making the necessary recommendations therefor, and exercising general supervision during the progress of the work.

The only extraordinary power granted to Captain Eads is that the work is to be constructed according to his plans and specifications. This is reasonable enough when considered in connection with the fact that the greater part of his pay is conditioned upon the success of the undertaking. "No cure, no pay" necessarily implies obedience to the doctor.

But this extraordinary power granted him does not make a contractor of him in any sense of the word. When engaged, if at all, he will be an employé of the Government; and no work in the way of plans and specifications or other service can reasonably be expected of him until he is employed. The gentleman from Illinois dwells with emphasis upon his statement that the whole thing is to be based on faith in Captain Eads. That is true to some extent, yet Captain Eads does not hesitate in placing his chance for getting the larger part of his pay on the same kind of faith. Faith, after all, must have much to do with the undertaking.

Plans and specifications, if submitted by Captain Eads, would have to be accepted on faith in him, as I understand that none of his plans are in accordance with the theories of the United States Corps of Engineers, and would most likely be met by those gentlemen with objections that would prove as groundless as did their statement that the extension of the jetties at the mouth of the Mississippi by reason of the advance of the bar would cost a million dollars a year, while the facts are that during the five years since that work was completed it has not been necessary to spend one nickel in that way, and it is not likely that it will become necessary to advance the jetties one foot in a century.

What have you to rely upon in any of these improvements, when the plans and specifications are submitted by the United States Corps of Engineers, but faith in them? It was by faith in them that already a million of dollars have been sunk in Galveston Bay, and, I may add, without the least prospect whatever of the work that has been done amounting to anything except to be in the way when proper plans to improve the harbor are fixed upon.

Faith in Captain Eads ought to govern us to a great extent in making this appropriation and employing him to prepare plans and specifications and to superintend the work.

The great works he has already accomplished inspire me with faith in him. The plain and common-sense manner he has of doing things inspires me with faith in him. He has no finely-spun theories submitted in stilted language to daze poor creatures, but he proceeds on the plain common-sense principle that running water confined in a narrow channel will wash out the bottom and thus make it deeper, and that if the channel extend sufficiently far into the sea the material washed out, as well as that carried down by the current, will be carried out to where the water is perhaps a thousand feet deep before it finds a lodgment,

and that it would be like filling up the sea itself to form a bar out there. I do not speak for Captain Eads; this is only my understanding of the jetty system.

The gentleman from Pennsylvania [Mr. BAYNE] objects to this system because it is upon the damming-up principle, and that it would cause a deposit of sediment above the jetties and raise the bed of the river. Quite the contrary, by actual measurement, has been proven to be the fact, the bed of the river above the jetties having been lowered one foot; and therefore his theory of damming up the Mississippi and turning it into the Atchafalaya is without foundation.

The gentleman has printed in the RECORD an amount of testimony to establish the fact of the superior education of the members of the United States Corps of Engineers. This was not at all necessary. No one doubts their superior education, and no one would, I dare say, cast an unjust reflection upon them. So far as education and the accepted theories of engineering go, they have perhaps no superiors in the world.

But these facts ought not to be allowed in the least to detract from the common-sense principles of Captain Eads. The work he accomplished at the mouth of the Mississippi is worth more in the eyes of the people than the diplomas from all the scientific schools in the world. The plain Western colonel (Bailey, I believe, was his name) who solved the question of getting the gunboats over the rapids at Alexandria on the Red River, and saved a fleet of naval vessels, used no sextant, no compass, no theodolite. He and his men just loaded themselves with brush and logs and rock, and waded into the river and threw them down, damming the river from both sides until the water was raised sufficiently high to let the gunboats pass through a place left in the middle of the river. Captain Eads, I understand, is an educated man, but I dare say he depends more on common-sense principles as manifested by this Western colonel than he does upon his collegiate diplomas. That is the kind of man we want at Galveston, Mr. Chairman. We want some one who, if it should be necessary, can shut up the books and take a common-sense view of the situation, and not disdain the long-established fact that water will run down hill and cut a channel in doing so.

The CHAIRMAN. The time allowed by order of the House for general debate.

Mr. WILLIS. I understand several gentlemen desire leave to print remarks on this bill in the RECORD. I ask that general leave be granted.

Mr. WHITE, of Kentucky. Provided it shall not apply to the tariff and all other questions.

Mr. WILLIS. Of course that is understood.

The CHAIRMAN. There can be no limit placed to the leave, if granted, except each gentleman's idea of propriety. Is there objection to the leave requested? The Chair hears none. General leave is given to print remarks in the RECORD on the subject of this bill. The Clerk will proceed to read the bill by paragraphs for amendment under the five-minute rule.

The Clerk read the first paragraph of the bill, as follows:

That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named.

Mr. REED, of Maine. I move to strike out the last word. I make that motion, not because I expect there is to be more discussion to-night with regard to the bill, but for the purpose of calling the attention of the House to the actual situation of this discussion as it has turned out under the order of the House.

There is in this bill the continuation of a scheme for the expenditure of \$150,000,000, and the only man who has had an opportunity to express himself upon that subject, after having carefully examined it, has been able under the action of the House to get but ten minutes of time. All of the time for the discussion of this bill, except what is going to take place under the five-minute rule, has by the judicious action of members of this Committee on Rivers and Harbors been absorbed and controlled by themselves in favor of the bill, and no opportunity thus far has been given for criticism of the same; nor under the action of the House can any opportunity be given except in a disjointed five-minute way. And yet this bill contains in it for one single item the continuation of one improvement which will amount to \$150,000,000, and involves 1,080 miles of river.

Now, I want the House to understand precisely what the effect of this action has been in the matter of the discussion of the question which is before it. It seems to me that such a method is not going to give to us that full idea of this bill which we ought to have. With the exception of the ten minutes' discussion on the part of the gentlemen from Iowa and Wisconsin we have had nothing. But we have had one exception, to which also I wish to call the attention of the House, and that is, members of the committee have shown to us clearly, if they be right, that the members of the Engineer Corps who advised upon these subjects are pretty sure to be wrong when they come in contact with the opinions of the committee. I think the gentleman from Massachusetts [Mr. STONE] and the gentleman from Alabama [Mr. JONES] have proved very conclusively, if their argument is to end it, that the engineers do not understand anything about a harbor of refuge on the Atlantic coast or anything about digging up a harbor on the coast of Texas, and yet, with the exception of those two items and one or two others, this whole bill is made up on the recommendation of the engineers.

Mr. O'NEILL, of Missouri. Mr. Chairman, I do not know really but what we ought to thank the chairman of the Committee on Rivers and Harbors for having even given us leave to print.

Coming from the city of Saint Louis, the principal city of the Mississippi Valley, I naturally imagined that the views of a member from that section, and especially one who has unfalteringly supported the river and harbor bills of the past, might have been treated with some little courtesy. I requested of the chairman of that committee the privilege of coming before the committee and sparing the House this infliction. [Laughter.]

Mr. WILLIS. I apologize.

Mr. O'NEILL, of Missouri. You ought to apologize. [Continued laughter.] Which privilege was also refused every other member. The committee monopolized all the time allowed for debate, including a small portion of the time of the gentleman from Kentucky [Mr. WILLIS], who, after having generously promised to give me a portion of the time remaining to himself, took back his promise and gave it to the House this morning, so that my only recourse is left in this mode of a disjointed narrative by offering amendments to this bill in a formal way of moving to strike out the last word. [Laughter.]

But, Mr. Chairman, I propose at every stage of this proceeding to continue offering amendments until my views in regard to river improvement are impressed upon this House, as far as I can impress them. I have that right under the rules, and, fortunately, I have a disposition that will see that my rights in that respect are preserved. [Laughter.]

Mr. Chairman, the people of the Mississippi Valley, at every convention and through every newspaper, appeal to every member of Congress to do something for the improvement of the great Mississippi River, that grand artery of commerce that bears upon its bosom the commerce of millions of people, and in whose valley are to be located the hundreds of millions of the future. That river, sir, so far as concerns improvements of a permanent and valuable character, terminates at the point where it meets the Ohio, where the firm banks cease and you strike this alluvial bed that is subject to these little breaks and misunderstandings, and the improvement of which, I believe, its best friends admit is merely an experiment. Yet out of these millions proposed to be appropriated for the improvement of the Mississippi, the portion of that river from its junction with the Ohio to its source gets only the insignificant sum of \$600,000. Now, my friends, that is not "a fair share of the pork." [Laughter.] That is not enough.

If the Mississippi River has got to carry through every year these hundreds of creeks and bayous, be a little more liberal. Give us a little more. I do not suppose that any member of this House believes for a moment that I would oppose a bill merely on account of its size. [Laughter.] I have endeavored to make a consistent record here, and have voted for every bill that would aid in developing our country and give employment to labor. [Applause.]

Now, Mr. Chairman, let me call the attention of the chairman of the Committee on Rivers and Harbors (who, I observe, is about to go into executive session with his colleague) [laughter] to a remarkable fact, which is, that I am clearly of the opinion that if that committee had allowed me to come before them they would have realized that they did not comprehend the whole of this question. [Laughter.] I am certain of it. Now, is the gentleman aware of how long it will take to complete the work of improving the channel of the Mississippi between the Illinois and the Ohio—and it is the obstructions in that part of the river that are to-day the main obstacle in the way of river improvement.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. Mr. Chairman, I move to strike out the last word; and now, for the sake of getting some light on this important subject of river improvement, I yield my time to my distinguished friend from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. I thank the gentleman. Now, Mr. Chairman, let us have a common-sense talk on this bill, even if it is only for five minutes. [Laughter.] Every sane man who favors the improvement of the Mississippi wants the river improved so that modern-built vessels, which carry fifty thousand or sixty thousand bushels of grain, and draw seven or eight feet of water, can go down to the sea through a free and unobstructed channel. The object of river improvement is simply this: that at the low stage of the river you can have your commerce go unimpeded to the sea. If you work down to a point where you find a shoal beyond which you can not go, no matter how deep may be the other parts of the channel, until that shoal is removed the rest of your work is, comparatively speaking, valueless; and, therefore, until the last shoal in the channel is removed your work of river improvement is merely local and of no benefit to the country at large.

Now, sir, between the mouth of the Illinois and the mouth of the Ohio, a distance of less than two hundred miles, are grouped the most serious obstructions in the channel of the river, the most serious obstructions to the commerce of the Mississippi Valley. The engineers who have carefully examined into this matter, state that it will take at least \$10,000,000 to remove those obstructions and furnish a uniform depth of eight feet of water, which is required for the passage of barges carrying 50,000 bushels of grain. That being so, with your miserable, beggarly \$400,000 a year for the improvement of that part of the river, how many years do you think it will be before you can have the ben-

eft of deep water there? Just figure it out. [Laughter.] We are supposed to be legislating for this generation and not for posterity—at least not in the matter of river improvements.

Mr. McADOO. "Posterity never did anything for us."

Mr. O'NEILL, of Missouri. No; as my friend from New Jersey [Mr. McADOO] suggests, posterity has never done anything for us; and the question with him is whether he is going to do anything for posterity. [Great laughter.]

Mr. McADOO. I hope my friend—

Mr. O'NEILL, of Missouri. Mr. Chairman, I will yield if my friend rises to a personal explanation. [Renewed laughter.]

Now, Mr. Chairman, would it not be a little more sensible for the Committee on Rivers and Harbors to come in and say to this House: Gentlemen, between the source of the Mississippi River and a certain point, with certain appropriations, within a certain brief period of time, we can complete the work of improvement there? For instance, between the mouth of the Illinois and the mouth of the Ohio River we can, with proper appropriations, within four years complete the improvement of the channel of the river so as to give the people the benefit of cheap transportation. It seems to me that that would be a more sensible course, but the committee do not do that. They scatter these appropriations, like the grace of the Almighty, all over the country, in the hope that, by giving the \$5,000 here and there for the improvement of the Suwanee and similar rivers, they can secure the votes of the gentlemen from those localities for this bill.

That is the principle of this bill; and you may recollect that at the commencement of the last session of Congress, when I was a little more "verdant" than I am now, I very innocently suggested the idea of having a separate and distinct Mississippi River bill, my object being that this great artery of commerce, with its navigable tributaries, should be properly considered, and not made the vehicle of dragging through this House a combination of creeks or insignificant streams. This is not legislation. It has been marvelous to me that men selected out of every walk of life, who have made their private enterprises a success, can apply so little common sense when dealing with the affairs of the people. [Applause.] Let us begin now. I do not object, as I have told my friend from Kentucky, to appropriations for these little streams; we can stand that; but I want him to understand for one that unless he and his committee and this House will agree to a proper recognition of the Father of Waters, and thereby this bill should lack sufficient merit to justify its passage, the blame will not rest upon me or those who hold similar views. [Applause.]

Mr. WILLIS. Mr. Chairman, I have no wish to detain the committee. In reply to the statement of my friend from Missouri [Mr. O'NEILL], it is only necessary for me to say in one word that upon the reach of the river referred to by him the committee has allowed the same percentage as upon the other reaches of the river.

Mr. O'NEILL, of Missouri. I rise to a question of order. I understood that during the remainder of the discussion the time was to be occupied not by members of the Committee on Rivers and Harbors, but by other members of the House.

The CHAIRMAN. The Chair does not recognize that as a point of order.

Mr. WILLIS. By the last appropriation bill—and I speak seriously to gentlemen who are engaged in serious business—the sum of \$520,000 was appropriated for that portion of the river which has its advocate in my friend from Saint Louis. Of that appropriation the whole sum expended is \$135,000; in other words, there was appropriated more than could be judiciously expended. The committee think, therefore, that they have been reasonably just to that part of the river; and they are fortified in this conclusion by the fact that it had three very intelligent members upon the committee.

I do not wish to detain the Committee of the Whole further. In view of the necessity of expediting this bill in the short time allowed, I have been urged by a number of gentlemen to ask for a session of the House to-night. I have declined to do so because of the fatigue of members after the prolonged session of last night. But I hope that tomorrow it will be the pleasure of the House to take a recess, with the understanding that if at the evening session any item of the bill be objected to by three or five members it be passed over. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 2600) for the relief of the Woonsocket National Bank of Woonsocket, R. I.

HENRY NEAL.

Mr. PEEL, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk be, and he is hereby, authorized to pay out of the contingent fund of the House to Henry Neal, for services as messenger in the Speaker's room, the difference between the pay of a laborer received by him and that of a messenger, from the 1st day of December, 1883, to the 7th day of July, 1884, and from the 1st day of December, 1884, to the 4th day of March, 1885—ten months and seven days—at the rate of \$40 per month, \$409.30.

GENERAL U. S. GRANT.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following message from the President of the United States; which was read, referred to the Committee on Military Affairs, ordered to be printed, and, on motion of Mr. WASHBURN, by unanimous consent, ordered to be printed, with the accompanying documents, in the RECORD:

To the House of Representatives:

I take especial pleasure in laying before Congress the generous offer made by Mrs. Grant to give to the Government, in perpetual trust, the swords and military (and civil) testimonials lately belonging to General Grant. A copy of the deed of trust, and of a letter addressed to me by Mr. William H. Vanderbilt, which I transmit herewith, will explain the nature and motives of this offer.

Appreciation of General Grant's achievements and recognition of his just fame have in part taken the shape of numerous mementoes and gifts, which, while dear to him, possess for the nation an exceptional interest. These relics, of great historical value, have passed into the hands of another whose considerate action has restored the collection to Mrs. Grant as a life-trust, on the condition that at the death of General Grant, or sooner at Mrs. Grant's option, it should become the property of the Government, as set forth in the accompanying papers. In the exercise of the option thus given her Mrs. Grant elects that the trust shall forthwith determine, and asks that the Government designate a suitable place of deposit and a responsible custodian for the collection.

The nature of this gift and the value of the relics which the generosity of a private citizen, joined to the high sense of public regard which animates Mrs. Grant, have thus placed at the disposal of the Government, demand full and signal recognition on behalf of the nation at the hands of its representatives. I therefore ask Congress to take suitable action to accept the trust and to provide for its secure custody, at the same time recording the appreciative gratitude of the people of the United States to the donors.

In this connection I may pertinently advert to the pending legislation of the Senate and House of Representatives looking to a national recognition of General Grant's eminent services by providing the means for his restoration to the Army on the retired-list. That Congress, by taking such action, will give expression to the almost universal desire of the people of this nation is evident, and I earnestly urge the passage of an act similar to Senate bill No. 2530, which, while not interfering with the constitutional prerogative of appointment, will enable the President in his discretion to nominate General Grant as General upon the retired-list.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, February 3, 1885.

640 FIFTH AVENUE, January 20, 1885.

DEAR SIR: I purchased the articles of historical interest belonging to General Grant and gave them to Mrs. Grant in trust, to hold during the lifetime of the General, and at his death, or sooner, at her option, they to become the property of the Government. They consist of his swords, memorials of his victories from the United States, States, and cities, and tributes to his fame and achievements from governments all over the world. In their proper place at Washington they will always be secure, and will afford pleasure and instruction to succeeding generations. This trust has been accepted by Mrs. Grant, and the disposition of the articles is in conformity to the wishes of the General. I transmit to you herewith the deed of trust. Mrs. Grant informs me that she prefers to close the trust at once, and send the memorials to Washington. May I ask, therefore, that you will designate some official representing the proper department to receive them, and direct him to notify Mrs. Grant of the arrangements necessary to perfect the transfer and deposit in such of the Government buildings as may be most suitable?

Yours, respectfully,

W. H. VANDERBILT.

His Excellency CHESTER A. ARTHUR,
President of the United States.

Whereas I, William H. Vanderbilt, of the city of New York, by virtue of a sale made under a judgment in a suit to foreclose a chattel mortgage in the supreme court of this State, in which I was plaintiff and Ulysses S. Grant defendant, which judgment was entered on the 6th day of December, 1884, and under an execution in another suit in said court between the same parties upon a judgment entered December 9, 1884, have become the owner of the property and the articles described in the schedule hereto annexed, formerly the property of Ulysses S. Grant:

Now, therefore, to carry out a purpose formed by me, and in consideration of \$1 to me paid, I do hereby transfer and convey each and every one of the articles mentioned and itemized in the said schedule to Julia Dent Grant, to have and to hold the same to her, her executors and administrators, upon the trust and agreement nevertheless hereby accepted and made by her that upon the death of the said Ulysses S. Grant, or previously thereto at her or their option, the same shall become and be the property of the nation, and shall be taken to Washington and transferred and conveyed by her and them to the United States of America.

In witness whereof the said William H. Vanderbilt and Julia Dent Grant have executed these presents this 10th day of January, A. D. 1885.

Sealed and delivered in presence of—

W. H. VANDERBILT,
JULIA DENT GRANT.

Schedule of swords and medals, paintings, bronzes, portraits, commissions, and addresses and objects of value and of art presented by various governments in the world to General Ulysses S. Grant:

Mexican onyx cabinet: Presented to General Grant by the people of Pueblo, Mexico.

Aerolite, part of which passed over Mexico in 1871.

Bronze vases: Presented to General Grant by the Japanese citizens of Yokohama, Japan.

Marble bust and pedestal: Presented by workmen of Philadelphia.

General Grant and family: Painted by Cogswell.

Large elephant tusks: Presented by the King of Siam.

Small elephant tusks: From the Maharajah of Johore.

Picture of General Scott (by Page): Presented by gentlemen of New York.

Crackleware bowls (very old): Presented by Prince Koon of China.

Cloisonné jars (old): presented by Li Hung Chang.
 Chinese porcelain jars (old): Presented by Prince Koon of China.
 Arabian bible.
 Coptic bible: Presented by Lord Napier, who captured it with King Theodore of Abyssinia.
 Sporting rifle.
 Sword of Donelson: Presented to General Grant after the fall of Fort Donelson by officers of the Army, and used by him until the end of the war.
 New York sword: Voted to General Grant by the citizens of New York at the fair held in New York.
 Sword of Chattanooga: Presented to General Grant by the citizens of Jo Daviess County, Illinois (Galena), after the battle of Chattanooga.
 Roman mug and pitcher.
 Silver menu and card, farewell dinner of San Francisco, Cal.
 Silver menu of Paris dinner.
 Horn and silver snuff-box.
 Silver match-box (used by General Grant).
 Gold table, modeled after the table in Mr. McLean's house on which General R. E. Lee signed the articles of surrender. This was presented to General Grant by ex-confederate soldiers.
 Gold cigar-case (enameled): Presented by the Celestial King of Siam.
 Gold cigar-case (plain): Presented by the Second King of Siam.
 Gold-handled knife: Presented by miners of Idaho Territory.
 Nine pieces of jade stone: Presented by Prince Koon of China.
 Silver trowel: Used by General Grant in laying the corner-stone of the American Museum of Natural History, New York.
 Knife made at Sheffield for General Grant.
 Gold pen (General Grant's).
 Embroidered picture (cock and hen): Presented to General Grant by citizens of Japan.
 Field-glasses used by General Grant during the war.
 Iron-headed cane made from the rebel ram Merrimac.
 Silver-headed cane made from wood used in the defense of Fort Sumter.
 Gold-headed cane made out of wood from old Fort Du Quesne, Pennsylvania.
 Gold-headed cane: Presented to General Grant as a tribute of regard for his humane treatment of the soldiers and kind consideration of those who ministered to the sick and wounded during the war.
 Gold-headed cane used by General La Fayette, and presented to General Grant by the ladies of Baltimore, Md.
 Carved-wood cane from the estate of Sir Walter Scott.
 Uniform as General of the United States Army.
 Fifteen buttons cut from the coats during the war by Mrs. Grant after the different battles.
 Hat ornament used at Belmont.
 Hat ornament used at Fort Donelson.
 Shoulder-straps (brigadier-general's) worn by General Grant at Belmont, Fort Donelson, and Shiloh.
 Shoulder-straps (lieutenant-general's) cut from the coat used by General Grant in the campaigns against Richmond and Petersburg and Lee's army.
 Shoulder-strap (Lieutenant-General's) cut from General Grant's coat.
 Pair of shoulder-straps (General's) cut from a coat General Grant used after the war.
 Medal from the American Congress (gold) for opening the Mississippi.
 Gold medal from Philadelphia.
 Twenty-one medals (gold, silver, and bronze): Badges of armies and corps.
 Ten medals (silver and bronze) sent to General Grant at different times.
 Fourteen medals (bronze) in memory of events.
 Silk paper (Louisville Commercial) printed for General Grant.
 Silk paper (Daily Chronicle) printed for General Grant.
 Silk paper (Burlington Hawkeye) printed for General Grant.
 Collection of coins (Japanese): This is the only complete set, except one which is in the Japanese treasury. Seven of these pieces cost \$5,000. This set was presented by the Government of Japan.
 Warrant as cadet at West Point.
 Commission as brevet second lieutenant (missing).
 Commission as second lieutenant (missing).
 Commission as brevet first lieutenant (missing).
 Commission as first lieutenant United States Army.
 Commission as brevet captain United States Army.
 Commission as colonel United States Army.
 Commission as colonel volunteers.
 Commission as brigadier-general.
 Commission as major-general.
 Commission as major-general United States Army.
 Commission as Lieutenant-General United States Army.
 Commission as General United States Army.
 Commission as honorary member of M. L. A., San Francisco.
 Commission as member of Sacramento Society of Pioneers.
 Commission as honorary member Royal Historical Society.
 Commission as Military Order of Loyal Legion.
 Commission as member of the Aztec Club.
 Certificate of election President of the United States.
 Certificate of re-election President of the United States.
 Certificate of honorary membership Territorial Pioneers of California.
 Certificate of honorary membership Saint Andrew's Society.
 Certificate of election LL. D. Harvard College.
 Certificate of election honorary membership of the Sacramento Society of Pioneers of California.
 Certificate of election honorary member Mercantile Library, San Francisco.
 Freedom of the city of Dublin, Ireland.
 Freedom of the city of Stratford-on-Avon.
 Freedom of the city of London, England.
 Freedom of the city of Glasgow, Scotland.
 Freedom of the city of Edinburgh, Scotland.
 Freedom of the city of Ayr.
 Freedom of the burg of Inverness, Scotland.
 Freedom of the city of Oakland, America.
 Freedom of the city of San Francisco, America.
 Freedom of the city of Londonderry, Ireland.
 The freedom of many other cities.
 Address to General Grant from the Chamber of Commerce.
 Address to General Grant from Newcastle upon the Tyne, 1877.
 Address to General Grant from the mayor, aldermen, and citizens of the city of Manchester, England, May 13, 1877.
 Address to General Grant by the workmen of Birmingham, England, October 16, 1877.
 Address to General Grant from the Chamber of Commerce and Board of Trade, San Francisco, Cal., September, 1879.
 Address to General Grant by the mayor, aldermen, and burgesses of the borough of Gateshead, England.
 Address to General Grant by the mayor, magistrates, aldermen, and councillors of the borough of Leicester, England.
 Address to General Grant by the Americans of Shanghai, China, May 19, 1879.
 Address to General Grant by the Calumet Club of Chicago, Ill.
 Address to General Grant from the Society of Friends in Great Britain.

Address to General Grant from chamber of commerce of Penang.
 Address to General Grant by the mayor, aldermen, and burgesses of the borough of Southampton, England.
 Address to General Grant by the provost, magistrates, and town council of the royal borough of Stirling.
 Address to General Grant from mayor, aldermen, and burgesses of Tyne-mouth, England.
 Address to General Grant by the mayor and town council of Sunderland.
 Address to General Grant by the trade and friendly societies of Sunderland.
 Address to General Grant by the public schools of Louisville, Ky.
 Address to General Grant by the colored men of Louisville, Ky.
 Address to General Grant from ex-confederate soldiers.
 Address to General Grant from State of Louisiana.
 Address to General Grant from the Chamber of Commerce and Board of Trade of San Francisco, Cal.
 Address to General Grant by the British workmen of London, England.
 Address to General Grant by the North Shields Ship-owners' Society, England.
 Address to General Grant from chamber of commerce.
 Address to General Grant from Sheffield, England.
 Address to General Grant from mayor, aldermen, and burgesses of the borough of Royal Leamington Spa, England.
 Address to General Grant by the mayor, aldermen, and burgesses of Sheffield, England.
 Address to General Grant by wardens, &c., and commonalty of the town of Sheffield, England.
 Address to General Grant from the provost, magistrates, and town council of the city and royal borough of Elgin, England.
 Address to General Grant from the mayor, aldermen, and burgesses of the borough of Folkstone, England.
 Address to General Grant by the mayor, aldermen, and burgesses of the borough of Jarrow, England.
 Address to General Grant by the mayor, aldermen, and burgesses of Gateshead, England.
 Address to General Grant from the Carpenters' Company.
 Address to General Grant from the citizens of Cincinnati, congratulating him on his second election as President of the United States.
 Address to General Grant from the citizens of Nagasaki, Japan.
 Resolutions of the Territorial Pioneers admitting General Grant to membership.
 Resolutions of the Caledonian Club of San Francisco, enrolling General Grant as honorary member.
 Resolutions of the citizens of Jo Daviess County, presenting a sword to General Grant (sword of Chattanooga).
 Resolutions of the Washington Camp of Brooklyn, Long Island.
 First resolution of thanks of the Congress of the United States.
 First resolution inviting General Grant to visit the house of representatives of the Commonwealth of the State of Pennsylvania.
 Second resolution of thanks from the Congress of the United States.
 Letter from citizens of Jersey City, thanking General Grant for his Des Moines (Iowa) speech on the question of public schools.
 Presentation of a silver medal by the Union League Club of Philadelphia, for gallantry and distinguished services.
 Vote of thanks by Congress to General U. S. Grant, &c.
 Other resolutions, addresses, votes of thanks, and freedom of cities.

CORRECTION OF CLERICAL ERROR.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following letter from the Secretary of the Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed:

NAVY DEPARTMENT, Washington, February 2, 1885.

SIR: In my communication, dated January 30, in answer to the resolution of the House relative to the Tallapoosa, I desire to correct a clerical error.

For the words and figures "August 19" in the second paragraph, the words and figures "July 19" should be substituted.

Very respectfully, your obedient servant,

W. E. CHANDLER,
 Secretary of the Navy.

HON. JOHN G. CARLISLE,
 Speaker of the House of Representatives.

PROPERTY IN POSSESSION OF THE CLERK OF THE HOUSE.

The SPEAKER *pro tempore* also laid before the House a letter from the Clerk of the House, transmitting report of property in his possession belonging to the United States; which was referred to the Committee on Accounts, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. KELLOGG, by unanimous consent, was granted leave of absence for eight days from Thursday, February 5.

G. T. M. ENGLISH.

On motion of Mr. LORE, by unanimous consent the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill (H. R. 7760) for the relief of G. T. M. English; and the same was referred to the Committee on Appropriations.

INCREASE OF POLICE FORCE AT INAUGURATION.

On motion of Mr. FOLLETT, by unanimous consent the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, returned from the Senate with amendments, was taken from the Speaker's table for present consideration.

Mr. FOLLETT moved to non-concur in the Senate amendments.

Mr. ADAMS, of Illinois. We should have some explanation what the amendments are.

Mr. FOLLETT. The bill as it went from the House appropriated \$6,000. The Senate increased that to \$8,000. The House made provision for this appropriation being made as other appropriations for the District of Columbia, one half out of the District funds and the other half out of the Treasury. The Senate amendment makes it all payable out of the Treasury of the United States.

Mr. MILLER, of Pennsylvania. And that is right.

Mr. ADAMS, of Illinois. I move that the Senate amendments be concurred in, and I desire to say that this inauguration business is not ordinary business: I think, therefore, we should concur in the Senate amendments.

Mr. FOLLETT. I desire to make this simple statement: Four years ago the appropriation was made as the House made it, one half payable out of the funds of the District and the other half out of the Treasury of the United States, as other appropriations are made for the District under the rule.

And I wish to say still further that the benefit resulting from the large attendance of people in the city of Washington on that occasion is more in the interest of the people here than it is in the interest of the Government.

The motion of Mr. ADAMS, of Illinois, was not agreed to.

The amendments of the Senate were non-concurred in.

Mr. FOLLETT moved that a committee of conference be asked on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. FOLLETT, Mr. HUTCHINS, and Mr. CANNON.

AARON GELD.

Mr. WOLFORD, by unanimous consent, from the Committee on Pensions, reported back favorably the bill (H. R. 4869) for the relief of Aaron Geld; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

And then, on motion of Mr. MILLS (at 5 o'clock and 15 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. BINGHAM: Resolutions of the Philadelphia Produce Exchange, favoring the enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. BRECKINRIDGE: Petition of citizens of Pine Bluff, Ark., urging the passage of the Potter funding bill—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of M. G. Shaw and others, of Bath, Me., for an appropriation to remove the ledge and rocks in the Kennebec River at Bath—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Petition of Ostheimer Brothers, for passage of bill providing for an international convention for the protection of industrial property—to the Committee on Foreign Affairs.

Also, petition of John F. Donehower, for passage of a bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. FERRELL: Petition of citizens of Salem city and members of the Presbyterian church, on the Mormon question—to the Committee on the Judiciary.

By Mr. FORNEY: Memorial from the General Assembly of the State of Alabama, asking for an increased appropriation to open the Coosa River—to the Committee on Rivers and Harbors.

By Mr. GEORGE: Petition from North Yam Hill, Oreg., asking Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HARDY: Memorial of Sereno D. Bonfils, A. McKinstrey, and others, requesting that this Forty-eighth Congress authorize the Secretary of War to contract with Charles Stoughton and his associates for the improvement of Harlem River, New York, for a sum not exceeding \$1,295,000, and requesting that the chairman of the Committee on Rivers and Harbor will appoint a subcommittee to hear arguments thereon, and report to the full committee—to the Committee on Rivers and Harbors.

By Mr. HARMER: Resolutions of George G. Meade Post, Grand Army of the Republic, in favor of the passage of Senate bill placing General U. S. Grant on the retired-list with rank and pay of General—to the Committee on Military Affairs.

By Mr. LIBBEY: Petition of citizens of Nansemond County, Virginia, asking for the improvement of Nansemond River—to the Committee on Rivers and Harbors.

By Mr. LORE: Petition of W. L. S. Murray and 44 others, citizens of Delaware, urging the suppression of Mormonism by law—to the Committee on the Judiciary.

Also, petition of J. Richards Boyle and 12 others, citizens of Delaware, for the suppression of Mormonism by Congressional legislation—to the same committee.

By Mr. MILLER: Petition of citizens of Mercer, Pa., in favor of legislation that will check the evil of Mormonism—to the same committee.

By Mr. CHARLES O'NEILL: Petition of many citizens of Philadelphia, praying Congress to enact a law which will give again to the aged seamen and marines, beneficiaries of the United States naval asylums, their pensions just as they are given to the soldiers of the national homes for soldiers, the said pensions being now forfeited under the law by these beneficiaries of the United States naval asylums—to the Committee on Pensions.

By Mr. PUSEY: Petition of E. C. Vennum and others, of Cass County, Iowa, asking for an increase of widows' pensions—to the same committee.

By Mr. J. H. ROGERS: Petitions of citizens of Hot Springs, Ark., and memorial of its city council, against the passage of the Rogers bill for the regulation of the Hot Springs reservation—to the Committee on the Public Lands.

By Mr. TOWNSHEND: Petition of citizens of the District of Columbia, praying for the passage of a joint resolution requiring the Baltimore and Potomac Railroad Company to keep open the draw of the long bridge for the passage of vessels at all hours of the day and night—to the Committee on Rivers and Harbors.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BAGLEY: Of citizens of Schoharie County, of Greene County, and of Ulster County, New York.

By Mr. BAYNE: Of ex-soldiers of Allegheny County, of Pittsburgh, and of Bakerstown, Allegheny County, Pennsylvania.

By Mr. BINGHAM: Of honorably discharged soldiers of Philadelphia, Pa.

By Mr. BOYLE: Of citizens of New Haven, Fayette County, and of Fayette City, Fayette County, Pennsylvania.

By Mr. EVERHART: Of citizens of Oxford, Chester County, Pennsylvania.

By Mr. GEDDES: Of George M. Endley and 57 others, citizens of Mansfield, and of G. W. Shurtleff and 123 others, citizens of Lorain County, Ohio.

By Mr. HEPBURN: Of 175 citizens of Leon, Decatur County; of William Butler and 50 others, citizens of Quincy, Adams County, and of J. B. Morrison and 50 others, citizens of Unionville, Appanoose County, Iowa.

By Mr. HOLMAN: Of Charles E. Burroughs and 65 others, citizens of Ripley County; of Alexander W. Lee and 91 others, citizens of Franklin County, and of Samuel Ward and 36 others, citizens of Ripley County, Indiana.

By Mr. KLEINER: Of ex-soldiers of Reno, Ind.

By Mr. LACEY: Of William Edwins and 27 others, of Sunfield, Mich.

By Mr. MCCORMICK: Of 581 citizens of Lawrence County; of 50 citizens of Jackson County, and of 174 citizens of Portsmouth, Ohio.

By Mr. PAIGE: Of D. Garman and others, of Summit County; of T. L. Firestone and others, of Wayne County; of F. M. Waltmar and others, of Medina County, and of George M. Patterson and others, of Cuyahoga Falls, Summit County, Ohio.

By Mr. PUSEY: Of 60 citizens of Shelby County and of 190 citizens of Harrison County, Iowa.

By Mr. RYAN: Of 2,523 citizens of the State of Kansas.

By Mr. ROWELL: Of 115 citizens of Monticello; of 41 citizens of Middletown; of 146 citizens of Farmer City; of 47 citizens of Chenoa, and of 47 citizens of Gridley, Ill.

By Mr. SENEY: Of L. S. Lafferty and 128 others, citizens of Hancock County, Ohio.

By Mr. SHIVELY: Of David Brown and 77 others, citizens of Leesburg, Ind.

By Mr. H. Y. SMITH: Of 39 citizens of Lacona, and of 60 citizens of Indianola, Warren County, Iowa.

By Mr. STEPHENSON: Of Fred. Barrett, and 75 others, citizens of Medford, Taylor County; of W. J. Brown and 91 others, citizens of Marion, Waupaca County, and of G. J. Jackson and 62 others, citizens of Centralia, Wood County, Wisconsin.

By Mr. E. B. TAYLOR: Of C. P. Lyman and 86 others, citizens of Trumbull County, Ohio, and of B. Herrick and 76 others, citizens of Perry, Lake County, Ohio.

By Mr. THOMAS: Of 64 citizens of Massac County; of 167 citizens of Jackson County; of 64 citizens of Johnson County; of 90 citizens of Pulaski County, and of 2 citizens of New Burnside, Ill.

SENATE.

WEDNESDAY, February 4, 1885.

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

PRIVILEGE OF THE FLOOR.

The PRESIDENT *pro tempore*. The Chair begs to ask unanimous consent that he may invite upon the floor of the Senate the chief justice of the Dominion of Canada, who is present in the gallery. Is there objection? The Chair hears no objection.

TESTIMONIALS TO ULYSSES S. GRANT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and,