

against admitting free of duty wool, tobacco, rice, &c.—to the Committee on Ways and Means.

Also, memorial of the same, praying for legislation to regulate the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

By Mr. JAMES: Petition of 49 business men of Macon, Miss., asking for the enactment of House bill 1621, relieving commercial travelers from State and local license laws—to the Committee on Commerce.

By Mr. LYMAN: Resolutions of the Workingmen's Progressive Association of Council Bluffs, Iowa, in favor of the establishment of a department of labor and other purposes—to the Committee on Labor.

By Mr. MCOMAS: Petition of Charles T. Hamilton, of Washington County, Maryland, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of Hagerstown, Md., in behalf of the National Board of Health—to the Committee on Commerce.

By Mr. MAYBURY: Petition of Miss Catherine Carroll, for allowance of pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Michigan, favoring abrogation of treaty with Hawaii—to the Committee on Ways and Means.

By Mr. J. J. O'NEILL: Petition of State board of health of Missouri, Dr. George Homan, secretary, requesting liberal appropriations for National Board of Health—to the Committee on Commerce.

By Mr. OSBORNE: Resolutions of the State and Territorial commissioners at the American Exposition at New Orleans opposing House bill No. 4864—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. T. B. REED: Petition of Sylvanus Smith & Co. and other ship-owners, of Gloucester, in favor of the bill for protection of mackerel fishery—to the Committee on Ways and Means.

By Mr. SCOTT: Petition of soldiers and sailors of Oil City, Pa., urging the passage of the bill introduced by Mr. J. B. WEAVER to provide for payment to soldiers and sailors difference between money received by them and value of standard coin—to the Committee on War Claims.

Also, petition of citizens of Miller's Station, Crawford County, Pennsylvania, urging the passage of laws restricting liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

Also, memorial of Granges Nos. 89 and 764, protesting against the manufacture and sale of counterfeit butter—to the Committee on Agriculture.

Also, memorial of the same, protesting against the admission of agricultural raw materials free of duty—to the Committee on Ways and Means.

Also, petition of citizens of Warren County and of Phillipsville, Pa., urging the passage of bill to restrict the manufacture and sale of counterfeit butter—to the Committee on Agriculture.

By Mr. SOWDEN: Memorial of Grange No. 325, and of grange signed by John E. Santee, master, of Pennsylvania, asking for legislation to suppress the manufacture and sale of all imitation dairy products, &c.—to the same committee.

Also, memorial of the same, against the admission to our ports free of duty of all agricultural raw materials, such as wool, &c.—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of the Yearly Meeting of Friends, of New York, relative to the rights of Indians—to the Committee on Indian Affairs.

By Mr. STORM: Memorial of Granges Nos. 782 and 248, of Pennsylvania, in favor of legislation to suppress the manufacture and sale of all imitations of dairy products—to the Committee on Agriculture.

Also, memorial of Grange No. 248, of Pennsylvania, against placing wool, hides, jute, tobacco, raw sugar, &c., on the free-list—to the Committee on Ways and Means.

Also, petition and papers in relation to House bill 8247, for relief of Anthony McMonigle, Company G, Eleventh Regiment United States Infantry—to the Committee on Military Affairs.

By Mr. E. B. TAYLOR: Resolutions of the Mahoning Wool-Growers' Association, opposing the pending tariff bill—to the Committee on Ways and Means.

By Mr. ZACH. TAYLOR: Petition of the Merchants' Exchange of Memphis, Tenn., to prevent the tax on traveling salesmen—to the Committee on Commerce.

By Mr. WHITING: Petition of citizens of Whately, Mass., in favor of the passage of a law regulating the sale of imitation of butter—to the Committee on Agriculture.

By Mr. WILKINS: Papers relating to pension claim of Samantha Walker—to the Committee on Invalid Pensions.

By Mr. WORTHINGTON: Petition of citizens of Fulton County, Illinois, for passage of bill to tax oleomargarine—to the Committee on Agriculture.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. PERKINS: Of citizens of Cherokee County, Kansas.

## SENATE.

WEDNESDAY, May 5, 1886.

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

## EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting letters from the Supervising Architect of that Department in regard to appropriations for repairs of the mint building at New Orleans, La., and the custom-house at Buffalo, N. Y.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## TERRITORIAL LAWS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the secretary of Utah Territory, forwarding, as required by sections 1844 and 1850 of the Revised Statutes, two copies of the laws of that Territory enacted by the twenty-seventh session of the Legislative Assembly; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Territories.

## REPORT OF ANIMAL INDUSTRY BUREAU.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Public Printer; which was read, as follows:

OFFICE OF PUBLIC PRINTER,  
Washington, D. C., May 5, 1886.

SIR: I have the honor to acknowledge the receipt of the following resolution: "Resolved, That the Public Printer be, and he hereby is, directed to inform the Senate the cause of the delay in furnishing to Congress for distribution the 50,000 copies of the first annual report of the Bureau of Animal Industry as authorized by the joint resolution approved July 5, 1884," and in answer thereto I beg to say that, in ordering the 50,000 copies of the first report on animal industry, Congress failed to make the necessary appropriation with which to execute the order. Such being the case, the cost must necessarily be charged to the general appropriation for Congress.

The general appropriation for the present fiscal year was reduced \$250,000 below the previous appropriation for long session, and \$426,107 below the estimates of this office.

The press facilities of this office are not sufficient to do all the printing ordered, and work on a number of reports was necessarily postponed, among them this one. With the reduced appropriation the presses can not run extra, and I have been compelled, first, to provide the current work for Congress and the Departments and print such reports as could be reached thereafter.

I did print a small edition for the accommodation of the Department of Agriculture (as in several other cases), and the deliveries were as follows: Senate, 2,516; Department of Agriculture, 4,833; House of Representatives, 472.

There is one paragraph in the circular of the Commissioner of Agriculture upon this subject, which was laid before the Senate and printed in the CONGRESSIONAL RECORD on the 4th instant, which requires explanation. He says:

"I deem it my duty to state these facts in order to relieve this department of any responsibility for what seems to be an unreasonable and unwarranted delay in the delivery of a report which Congress provided for nearly two years ago."

It is true that Congress did order this work printed, but it is equally true that no special appropriation was made therefor; hence it will be observed that the Commissioner's statement that "Congress provided for" its publication is misleading, and calculated to do this office an injustice, which of course was unintentional.

The Public Printer intends to comply with the law, and will not exceed appropriations, and if orders are made for which no special appropriation is provided, such printing must inevitably wait until it can be reached from the general appropriation for Congress.

In conclusion, therefore, I beg to say that the first report on animal industry has not been completed because—

First. No special appropriation was made for its publication, as was the case of the second annual report of the same work; and

Second. The general appropriation was reduced \$250,000 as compared with the previous long session, and \$426,107 less than the estimates for the year (being the same amount as was provided for the short session of Congress, with four months' less expenditure for the CONGRESSIONAL RECORD and other current Congressional work), which, with the limited press facilities, made it absolutely necessary to postpone printing the first report.

It should be remembered that a certain sum of the general appropriation is allotted for the various Executive Departments, and that the current printing for the daily use of Congress and its committees must have precedence over all annual and other reports. The reduction of the appropriation without a corresponding reduction of the orders for printing inevitably leads to the postponement of the work.

I have been very much embarrassed by this state of affairs, and have endeavored to oblige Congress and all the Departments of the Government. Instead of a reduction of printing, the demands upon this office during this session are much larger than ever before.

I am, sir, with respect, your obedient servant,  
S. P. ROUNDS, Public Printer.

HON. JOHN SHERMAN,  
President of the Senate *pro tempore*.

Mr. MANDERSON. This communication from the Public Printer is in response to a resolution submitted by the Senator from Missouri [Mr. COCKRELL], who I see is absent. I therefore ask that it lie on the table until he shall return, for such disposition as he shall see fit to suggest.

The PRESIDENT *pro tempore*. The Chair thinks it is the desire of the Senator from Missouri that the communication shall be referred to the Committee on Appropriations.

Mr. MANDERSON. If he so suggested, I make no objection to that reference.

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

Mr. TELLER. It will be printed?

The PRESIDENT *pro tempore*. It will be printed under the rule.

## MESSAGE FROM THE HOUSE.

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

A bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War;

A bill (H. R. 661) granting the right of way through the Fort Selden military reservation, in New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company;

A bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes;

A bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.;

A bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish;

A bill (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western branches of the National Home for Disabled Volunteer Soldiers;

A bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex.;

A bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army; and

Joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives.

The message also announced that the House had passed the following bills:

A bill (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards;

A bill (S. 223) to regulate the promotion of graduates of the United States Military Academy; and

A bill (S. 1471) to remove the charge of desertion from the rolls and records in the office of the Adjutant-General of the Army against certain soldiers.

## PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of dairymen and butter-makers of Berks County, Pennsylvania, praying that all imitations of butter be taxed 10 cents a pound; which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of Granges No. 787, No. 484, No. 780, No. 194, No. 248, No. 362, No. 788, No. 562, and No. 55, Patrons of Husbandry, of Pennsylvania, remonstrating against the admission free of duty of all agricultural raw materials; which were referred to the Committee on Finance.

He also presented petitions of Granges No. 787, No. 484, No. 191, No. 780, No. 248, No. 362, No. 788, and No. 562, Patrons of Husbandry, of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Patrons of Husbandry of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Patrons of Husbandry of Pennsylvania, remonstrating against the admission free of duty of all agricultural raw materials; which was referred to the Committee on Finance.

Mr. MORGAN. I present a petition of the American Colonization Society, praying that an appropriation of \$25,000 be made for the purpose of making an examination of that portion of the African coast which lies between the coast of Liberia and the Niger River. The petition was prepared, as I am informed, by Mr. Justice Strong, formerly of the Supreme Court of the United States, and as it is very condensed and the facts are all presented in a concise form, I will ask that it be printed in the RECORD or read at the desk.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that the petition presented by him be printed in the RECORD. Is there objection?

The Chair hears none, and that order will be made.

The petition is as follows:

To the Senate and House of Representatives of the United States:

The memorial of the American Colonization Society respectfully represents: Without entering into the history of the society, it is assumed that your honorable body is aware that in 1821 it succeeded in establishing on the west coast of Africa the colony of Liberia; which, increasing year after year in numbers and extent of territory, became strong enough in 1847 to declare its independence, and has since been recognized by the United States and the civilized governments of Europe as a member of the family of nations.

Established, originally, "to promote and execute a plan for colonizing, with their own consent, the free colored people of the United States in Africa," the functions of the society, in this respect, ceased to be peculiar when slavery ceased; and it has since existed "to aid the colonization of Africa by voluntary emigration, and to promote there the extension of Christianity and civilization."

In this work your memorialists have an especial interest, due to the origin of Liberia and to their sympathy with its people; but your memorialists respectfully suggest that the interest of the United States in the growth of Liberia in population and extent is greater still.

Formerly England stood alone in African exploration; to-day France, Germany, Belgium, Austria, Holland, Italy, Spain, and Portugal are engaged in the work. All are prompted, if not impelled, by the necessity of finding new markets for the ever-increasing surplus of manufacturing industry.

It is very true that, with the vast territory and increasing population of the United States, the necessity of seeking new markets beyond its borders may not exist here as in European nations, or not to the same extent. But this exception can not last forever. Even now there are signs that new markets are needed by our manufacturers and for our laborers; and it is suggested that it is by no means too soon to make available, by exploration of the interior of Liberia, the opening to new markets that philanthropy has afforded since 1821.

There is in the interior of Liberia a fertile and thickly inhabited country, which can be brought into closer communication with the coast line of the republic, extending from the British colony of Sierra Leone to the Rio San Pedro, east of Cape Palmas, a distance of between four and five hundred miles.

It is to this country extending northwardly to the Niger at Timbuctoo, and including the headwaters of that great river, that Liberia affords an access, the advantages of which are peculiar to the United States, not by virtue of any treaty stipulation, but through the natural sympathy of the Liberian people, to whom the United States is the mother country to which they are to look for that increase of population which is alone wanting to the development of their power, and which emigration from this country can alone supply.

Apart, however, from the commercial view of the subject, your memorialists respectfully suggest that the benefit that would accrue to Liberia should, of itself, be more than sufficient to induce Congress to authorize the exploration in question. From the beginning, the feeling between the United States and the people of Liberia and their government has been that of sympathy and consideration, dating back from the time when Mr. Monroe found that the existence of the society's colony would enable him to meet the requirements of the act of Congress of March 3, 1819, which required negroes, recaptured from slave-ships by United States vessels, to be restored to their native country, and induced him to furnish means without which the colony might never have existed or have been indefinitely postponed.

It was manifested again in 1846, when Mr. Upshur, then Secretary of State, defined the relations between the colonists and the United States on the occasion of a dispute in regard to the right of the Liberian authorities to enforce the revenue laws of the colony in a particular case against a British vessel. He then wrote to Mr. Fox, the British minister: "Although no apprehension is entertained that the British Government meditates a wrong to this interesting settlement, yet the occasion is deemed a fit one for making known, beyond a simple answer to your inquiries, in what light it is regarded by the people and Government of the United States. It is due to Her Majesty's Government that I should inform you that this Government regards it as occupying a peculiar position and as possessing peculiar claims to the friendly consideration of all Christian powers; that the Government will at all times be prepared to interpose its good offices to prevent any encroachment by the colony upon the just rights of any nation, and that it would be very unwilling to see it despoiled of its territory rightfully acquired, or improperly restrained in the exercise of its necessary rights and powers as an independent nation."

Although in the forty years that have since elapsed great changes have taken place in other respects, there has been no change in the feeling that inspired Mr. Upshur's letter; and it is only recently that the United States accepted the position of umpire in a dispute between England and Liberia in regard to the boundary between the republic and the colony of Sierra Leone.

It is with a strong reliance upon the feeling thus manifested during so many years, as well as upon the commercial interests of the United States, that your memorialists ask Congress for an appropriation of \$25,000, to be expended under the sanction of the Secretary of the Navy, for making explorations on the west coast of Africa, and from Liberia into the interior of the continent.

JNO. H. B. LATROBE, *President*.

WILLIAM STRONG, *Chairman*.

PETER PARKER,

CHARLES C. NOTT,

REGINALD FENDALL,

THOMAS G. ADDISON,

B. SUNDERLAND,

W. W. GODDING,

*Executive Committee.*

WM. COPPINGER,

*Secretary and Treasurer American Colonization Society,*  
COLONIZATION ROOMS, Washington, D. C., 1886.

Mr. MORGAN. I ask the reference of the petition to the Committee on Foreign Relations, and I present to accompany it certain pamphlets explanatory of the petition.

The PRESIDENT *pro tempore*. The petition and accompanying papers will be so referred.

Mr. DAWES presented the petition of H. A. Barton and other citizens of Pittsfield and Dalton, in the State of Massachusetts, praying for the passage of the bill introduced in the House by Hon. W. L. SCOTT, of Pennsylvania, and in the Senate by Hon. WARNER MILLER, of New York, for a tax of 10 cents a pound on all imitations of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. MAHONEY presented a memorial of Knights of Labor of Petersburg, Va., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. MCPHERSON presented the petition of Sarah L. Brookfield, of Washington, D. C., praying for an increase of pension; which was referred to the Committee on Pensions.

## REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1935) authorizing and directing the Secretary of War to enlarge, repair, and complete certain military quarters and barracks in Wyoming Territory and in the State of Nebraska, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 776) granting arrears of pension to Catherine Lanigan, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 2349) granting a pension to Catherine Lanigan; which was read twice by its title.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1796) for the relief of Charles E. Maris, submitted an adverse report thereon, which was agreed to; and the bill was indefinitely postponed.

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

- A bill (H. R. 4699) granting a pension to Martin Jacoby;
- A bill (H. R. 1560) for the relief of Evaline A. White;
- A bill (H. R. 1707) granting a pension to Elijah P. Hensley; and
- A bill (H. R. 5328) granting a pension to Noah Hoffman.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1201) granting a pension to Louise Ambrecht, reported it with amendments, and submitted a report thereon.

Mr. BUTLER. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (S. 962) touching the grade of commander in the Navy and to correct an error in relation to an appointment therein, to report it adversely.

Mr. RIDDLEBERGER. I ask the Senator from South Carolina if that is the bill adversely acted upon by the committee this morning relative to the restoration of a commander?

Mr. BUTLER. Yes, sir.

Mr. RIDDLEBERGER. I hope the Senator will allow it to be placed on the Calendar.

Mr. BUTLER. I have no objection.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bill will be placed on the Calendar.

Mr. BUTLER. The Committee on Territories, to whom was referred the bill (S. 980) granting the right of way to the Cinnabar and Clarke's Fork Railroad Company, have instructed me to report it back with amendments. That bill was taken from the Calendar, having been reported by the Committee on Railroads and referred to the Committee on Territories. I have been instructed by a majority of that committee to ask that the bill be restored to the position it occupied on the Calendar before it was referred to the Committee on Territories, so that it shall not lose its position.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina, that this bill be placed on the Calendar in the position it formerly occupied before it was referred to the Committee on Territories? The Chair hears none, and it is so ordered.

Mr. MANDERSON. On Senate bill No. 980, reported by the Senator from South Carolina, on behalf of the majority of the Committee on Territories, I submit the views of the minority.

The PRESIDING OFFICER. The views of the minority will be printed with the report of the committee.

Mr. BUTLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot, reported it with amendments, and submitted a report thereon.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (H. R. 2066) for the relief of Alfred McMurtie, reported it without amendment, and submitted a report thereon.

#### RECLAMATION OF TEXAS AND MEXICAN STOCK.

Mr. MORGAN. I am directed by the Committee on Foreign Relations, to whom was referred a resolution pertaining to our relations with Mexico in respect to cattle-ownership on the border, to report back a substitute for the resolution, and I ask that it be immediately considered.

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

The Chief Clerk read as follows:

Whereas the boundary line between the Republics of the United States and Mexico in much of its length divides a grazing and stock-growing country, which lies on each side thereof; and

Whereas horses and cattle may and do cross said line at will, the same interposing no obstruction thereto; and

Whereas, in the absence of some treaty provision between the two countries for the reclamation of stock thus crossing said boundary line, the citizens of the two countries are liable to become embroiled:

Therefore, for the purpose of averting such complications as in consequence thereof may ensue between the two countries,

*Resolved, as the judgment of the Senate, That it is desirable that some arrangement be made with the Government of Mexico on the subject adequate to the repression of the evil aforesaid and promotive of peace and good-will between the two countries.*

*Resolved, That a copy of the foregoing resolution be respectfully transmitted to the President of the United States.*

The resolution was considered by unanimous consent, and agreed to.

#### BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2350) granting an increase of pension to Peter Casserleigh; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2351) granting a pension to James Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 2352) for the relief of Royal E. Dake; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SAWYER introduced a bill (S. 2353) granting a pension to William Barden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 2354) granting an increase of pension to Philo B. Buckingham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 2355) granting a pension to Edward R. Shubrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2356) granting an increase of pension to Joseph Keffer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 2357) to incorporate the Potomac and Chesapeake Steam Navigation Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GRAY introduced a bill (S. 2358) to amend the law relating to international extradition; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. EUSTIS introduced a bill (S. 2359) in relation to claims arising under the provisions of the captured and abandoned property acts, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 2360) granting an increase of pension to Leopold Herzig; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2361) granting a pension to Louis Heidel; which was read twice by its title, and referred to the Committee on Pensions.

#### AMENDMENT TO A BILL.

Mr. MAHONE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, making an appropriation of \$20,000 to enable the Secretary of War to lay a submarine cable from Cape Charles to Cape Henry; which was referred to the Committee on Appropriations, and ordered to be printed.

#### THE PASSPORT CHARGE.

Mr. BECK. I offer the following resolution and ask for its present consideration, and I will say one word about it:

*Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate what necessity, if any, exists for the continuance of the present charge for passports to citizens of the United States desiring to visit foreign countries, and whether in his opinion the charge now made can be reduced or dispensed with without detriment to the public service.*

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. BECK. I might have introduced a bill for this purpose, but I was not sure that it would be wise to do so without information. Looking at the matters we have been considering for the last few days, especially the expedition of our mails to Tampa and our connections with Cuba and the probable building up of trade with other islands, I did not see why we ought to charge each of our citizens \$5 for the privilege of going there, he paying, of course, the charge of \$4 for viséing our passports, in regard to which we can, perhaps, negotiate. I think we ought to see if we can not dispense with that charge at least. Under one of our standing laws our people have to pay \$5 for each passport. The object of the resolution is to see if there is any reason why the law should not be repealed.

The resolution was agreed to.

#### CONDITION OF COLORED PEOPLE.

Mr. CULLOM. If there is no further morning business, I ask that the regular order may be proceeded with.

Mr. LOGAN. Before we proceed with the unfinished business I desire to make an inquiry. I introduced a bill early in the session, which was referred to the Committee on Education and Labor, providing for a commission to inquire into the condition of the colored people of the South. I have not been able to get the bill reported back, and I ask the chairman of the committee whether it can not be reported back to the Senate. I desire to have a report upon it one way or the other, so that I may have the action of the Senate on the bill before it gets too late. This is the second Congress at which I have introduced a bill of a similar character, and I did it with the desire to have the action of the Senate upon it. I hope the chairman of the committee will have the question decided in committee and have it reported to the Senate so that action may be taken upon it.

Mr. BLAIR. When the bill came to the Committee on Education and Labor it was referred to a subcommittee, who have not as yet reported. I do not see the chairman of the subcommittee in the Chamber at this time. The Senator from Michigan [Mr. PALMER] is the chairman of the subcommittee. I do not know why there should not be action upon it, and I will remind the subcommittee, and perhaps the Senator from Illinois will do so himself.

Mr. LOGAN. I shall be very glad to do so. I did not know who the subcommittee were. I shall be very glad to notify them.

Mr. BLAIR. I have myself spoken to them in regard to the matter.

Mr. LOGAN. I am anxious about it, for I am receiving a great many letters of inquiry in reference to the measure, and I do not want to have it understood that it is my fault that the bill does not come before the Senate.

Mr. BLAIR. It is not the Senator's fault, but the fault of the general pressure of business rather than anything else.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 3d instant, approved and signed the following acts:

- An act (S. 231) granting a pension to Jennette S. Kent;
- An act (S. 283) granting a pension to Isaac N. Minshall;
- An act (S. 813) granting a pension to Miss Rebecca Miller; and
- An act (S. 1487) to establish two additional land districts in the State of Nebraska.

#### INTERSTATE COMMERCE.

Mr. CULLOM. I now move that the Senate proceed to the consideration of the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce, the pending question being on the amendment of Mr. CAMDEN, in section 4, line 5, after the word "direction," to strike out "and from the same original point of departure;" so as to make the clause read:

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to the amendment?

Mr. BECK. That amendment has been debated very largely, and there are not many Senators present now.

The PRESIDENT *pro tempore*. The Chair is advised that the yeas and nays have been ordered on the pending amendment.

Mr. BECK. It seems to me that before the vote is taken upon that important subject, which is perhaps the most important in the bill, a little more notice ought to be given to the Senate in order to have it a little fuller than it is now. The Senator from Illinois will see the propriety of my suggestion. Can not the bill be proceeded with until the Senator from West Virginia [Mr. CAMDEN] comes in, and defer action on the amendment until that time.

Mr. CULLOM. I have the impression that the Senator from Wisconsin [Mr. SPOONER] desires to address the Senate on this particular subject.

Mr. BECK. I hope that may be done now.

Mr. CULLOM. If he is prepared to proceed now, so far as I am concerned, I should like to hear him; and if not, we shall pass over the amendment until the mover of it comes in.

Mr. SPOONER. Mr. President, if I need an apology for addressing the Senate in opposition to the amendment offered by the Senator from West Virginia it must be found in the great popular interest which invests this subject, and in my sincere belief that the amendment is vicious in principle and strikes peculiarly at the welfare of the producers of the West. The importance of the subject can not be overestimated or overstated. The bill is a proposition to regulate commerce among the several States. This commerce is in a large sense the strength and prosperity of our people. Perhaps the growth of this country is not in any way more clearly traceable than in the development of our railway system. When we remember that in 1830 there were only 23 miles of railway in operation in the United States and that to-day there are 126,000 miles, a little over one-fourth of the railway mileage of the entire habitable globe, and that most of the railway corporations are incorporated by States and exist under State laws, we see at once something of the magnitude of the subject and of the difficulty of properly treating it.

That the railway carrier has been and will continue to be a prime factor in the growth and prosperity of the country, and in a substantial sense necessary to our comfort and happiness as a people none will deny. We hear much nowadays, in an indiscriminating way, of past railway consolidations. Excluding the consolidation of competing lines which, in whatever guise accomplished, is a crime against the people; the consolidations of the past have not been an evil. The development of our railway system, which to-day is the model of the world, brought inevitably under the operation of natural laws consolidation of capital and franchises. It was natural that short lines of railway should be brought in this wise into long lines under strong management. And it has been in the public interest that the short lines of railway in the hands of weak and struggling corporations have given way, through consolidation in different forms, to the long lines of to-day under strong central management. Such consolidation has made possible the through bill of lading, has given to the country efficient railway service from State to State and from ocean to ocean, and has been and is to-day a popular benefit.

But the railway corporations of the United States, mostly created as I have said by the States, clothed by State Legislatures with generous franchises and almost with unlimited power, holding in their grasp practically the absolute dominion over the commerce of the States, shel-

tering themselves for very many years, as they supposed they might, behind the Dartmouth College decision, thinking they were beyond the reach of the people and above the reach of legislative interference, as they grew in strength grew in tyranny, until it became necessary for the Legislatures of many States, in self-defense, to lay the heavy hand of the law upon them, not to cripple them in the exercise of the great functions with which they were clothed, but to teach them that in an essential sense they were a public instrumentality and must consult and subserve the public interest.

So it has come about that in at least twenty-six States of this Union (and I wonder that there are any exceptions) there is railroad legislation guarding against discriminations and, as far as may be, against injustice upon the part of railway corporations to the people. That such legislation in all the States has been productive of great good, I think no man representing any of those States will deny.

But under the Constitution of the United States, as every one knows, the States could not regulate these corporations or control them except as to traffic confined within the borders of the State. Traffic from one State to another State was entirely beyond the reach of State legislation. So that the railway corporations, nearly all of which are engaged in interstate commerce, were bound by law only as to purely State traffic, and they have been left to their own sweet will as to the great volume of the traffic from State to State.

It is not open to dispute that the people of the country, realizing the wonderful growth of these corporations and their almost limitless power to-day over "the commerce among the several States," long weary of tolerating evils which have grown up unchecked, demand of Congress that it shall exercise the power vested in it by the Constitution, and beyond the jurisdiction of the States, by the enactment of some law which shall place under control and fair regulation the railway corporations engaged in such commerce.

Many Legislatures, I think, have invoked by memorial the exercise of this power, and both of the great political parties are in the most solemn way committed to it.

The limits within which Congress may constitutionally act are quite well settled, and I venture to assert that the failure of this Congress to act upon the subject would arouse popular disappointment and indignation. The people have not, however, as I understand it, demanded any specific measure. They fully appreciate the difficulties which environ the subject, and which render, in the very nature of things, the exercise of this great power at the outset tentative and experimental. It can not be expected, keeping in view the multiplicity, almost infinite, of combinations and conditions and elements and vicissitudes and interests which surround and enter into the transportation question, that there should come from this Congress an interstate-commerce law perfect in its scope and detail, nor do the people expect us to come to this subject with curses upon our lips or bitterness in our hearts.

The popular demand has in it no element of unfriendliness to the railway carriers of the country, nor any desire to oppress or harass them. They are too useful and too necessary for that; but the demand is, and it is a just demand, which must be heeded, that the calmest and best thought of Congress shall be given to the enactment of a law in which shall be plainly formulated the general principles clearly essential to the public protection, with elastic provisions as to detail, so that the law, while protecting against unjust discrimination, shall not itself unjustly discriminate.

I have read with great care the report of the committee charged by Congress with investigation of this subject. I can not doubt that the country will appreciate the great labor and patience and ability with which the committee has conducted the investigation, and the distinguished chairman of the committee may well be proud that the measure formulated and reported by his committee bears his name, for, except that I doubt the wisdom of section 4, the bill, as a whole, has my hearty support.

The Senator from West Virginia [Mr. CAMDEN] proposes by his amendment to incorporate in this bill, as I understand it, what is substantially a provision that under no circumstances shall the railway carrier engaged in interstate commerce charge more for a short haul than for a long haul on the same line and in the same direction. I do not doubt in the slightest his sincerity in proposing this amendment, or that he believes its enactment into law would subserve the general interest, but I feel bound to say that in my judgment it would be a grave mistake for Congress to embody it in any law passed upon the subject.

I do not doubt the existence of the evils of which the Senator complains and of which other Senators complain. I do not suppose there is a member of this body who does not know of instances of gross discrimination by railway carriers, and it would be somewhat strange if it were otherwise, but I think without the amendment proposed by the Senator from West Virginia, either in the form in which he has proposed it, or in any form, the bill, fairly considered, contains provisions which will, if properly enforced, afford reasonable safeguards to the people and constitute an efficient corrective of the evils complained of. I think the discussion elicited by the long-haul short-haul proposition has led Senators to underestimate the strength and importance of the general provisions of the bill.

The Senator from Michigan [Mr. CONGER] the other day, speaking of the general clauses of the bill to which the Senator from New York [Mr. MILLER] referred, ridiculed them as "general-utility" clauses of little or no significance. Let me read two of the sections of the bill. The first one is this:

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just.

I desire, in passing, to suggest to the chairman of the committee whether this language does not need amendment in order to bring a violation of it within the penal section of the bill. Section 7, which is the penal section, imposes the penalty only against the doing, &c., of "acts, matters, and things in this act declared to be unlawful." This being a penal section its language would doubtless be strictly construed, and as a violation of the clause requiring just and reasonable charges, before read, is not in terms "declared to be unlawful," it is doubtful whether such a violation by a railway carrier, even if willful, would be held to subject the carrier to criminal prosecution. I therefore suggest, in order to bring it beyond any possible question within the scope of the penal section, and to punish by criminal prosecution willful violation, the addition of the words "and any unjust or unreasonable charge for any such service is hereby prohibited and declared to be unlawful."

Mr. CULLOM. I shall not take the time to explain at present the reason why the bill is in the shape it is, as indicated by the Senator, but I will do so after the Senator has concluded his remarks, and will then submit the amendment to the consideration of the Senate.

Mr. SPOONER. I suggest that amendment to the Senator and will offer it hereafter. In connection with the provision which I first read requiring charges to be just and reasonable, I desire to call attention to section 3, which provides—

That it shall be unlawful for any common carrier, subject to the provisions of this act, to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Now I ask the Senator from West Virginia whether the clause against extortion and this section 3 which prohibits any undue or unreasonable preference or advantage as between persons, firms, localities, and different kinds of traffic will not, if enforced, bring into the law a shield against the discrimination, extortion, and injustice to which he and others refer which would in all human probability upon fair trial be found adequate?

I know that this bill does not add in these respects to the common-law duty of the carrier upon the subject, and I believe I may say, confidently expecting the approval of Senators, that the common-law duty and liability of the carrier, if rigidly enforced in this country, would be found ample protection to the people against extortion and unjust discrimination of every kind by common carriers.

Mr. CAMDEN. When you are ready I desire to answer the interrogatory.

Mr. SPOONER. Certainly; I yield for that purpose.

Mr. CAMDEN. By the express provisions of the fourth section you legalize the right of the railroad to charge more for a shorter haul than a longer haul by the limitation. The provision is:

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction—

You then limit it by saying—  
and from the same original point of departure.

There you give the express authority to this commission to limit it, and the commission is bound under the act to limit it from the same point of departure, and can not exercise the discretion mentioned by the Senator to extend it to other points. You limit it there, and you expressly provide for discrimination for a shorter over a longer haul.

Mr. SPOONER. The Senator misapprehends my question, and therefore does not answer it. The proposition which I make is that the clauses I have read, although nothing more than declaratory of the common law, will, if rigidly enforced, guard against almost every conceivable just complaint to which the Senator from West Virginia alludes.

Mr. CAMDEN. Will the Senator allow me to ask him a question?

Mr. SPOONER. Certainly.

Mr. CAMDEN. If the Senator is willing that these discriminations shall be provided for and claims that they are provided for in the bill, why does he object to making it plain and simple by allowing the provision to be inserted in the fourth section?

Mr. SPOONER. I will come to that. The Senator does not apprehend my position. I freely admit that in this country the common-law duty of the carrier has been greatly disregarded. I admit that the enactment by Legislature after Legislature of the common law upon the subject, but leaving to the aggrieved citizen the duty of vindicating in the courts his common-law rights, has been utterly futile as a shield against wrong by the carrier.

And if the committee had been content with simply incorporating in the bill, as they have done in very perfect language, the safeguards which the common law throws around the shipper, you might as well write the words of these clauses in the sand, within the tide line, expecting to find them there next year, as to write them in the statute expecting them to be any protection to the citizen; or, as Rufus Choate once beautifully said in this Chamber, "You were as wisely employed in writing them upon the clouds of the summer evening's western sky, in the dream of seeing them carried around the world in the train of the next day's sun, as to write them in a statute depending upon their enforcement at the suit of the citizen who is injured by their violation."

The explanation of the utter inefficiency of the common-law duty and liability of the carrier as a protection to the people is familiar to every Senator. The grievances of the individual shipper are as a rule, each considered by itself, trifling in amount, and the citizen has in almost every instance been reluctant to engage in a litigation with a railway corporation to vindicate, for so small a sum, his rights under the common law or under statutes simply declaratory of the common law. Under the practice laws of the States the railway corporations have been enabled, and they have not been slow to avail themselves of the right, to protract such litigation by continuances, appeals, and otherwise, thereby rendering it burdensome and expensive. The sum involved being small, even success at the end of a long litigation was to the complainant defeat.

There has been another reason more potent still: Few shippers have dared to venture upon a litigation with a railway corporation in order to invoke in the courts the common-law protection. Why? Because the railway company, through its freight agents, through its system of rebates, through its power of discrimination, through its absolute dominion over the business of a place and over the business of its people, has had it in its power—I will venture to say sometimes exercised—to visit condign and swift punishment upon men who dared to invoke the protection of the courts to secure them in the enjoyment of the rights vouchsafed by the common law or statutes merely declaratory. Not only because of the expense, not only because of the delay, but because of their absolute fear of ruin in their business by favoritism, by discrimination in numberless ways, few men have dared to embark in that litigation with a railway company.

Under such circumstances it is not surprising, and the fact has been within the observation of every Senator, that in the great mass of instances the common-law remedy of the citizen has been unavailing, and the carrier has gone exempt from the performance of its common-law duty. So that if these clauses stood alone in the bill, apart from the peculiar provisions for their enforcement, I should not hesitate to denounce them as idle words. But the bill goes beyond that. The bill puts strength and virility into the common-law principles for the protection of the shipper. How? It puts the whole strength and power of the United States behind them.

It provides that any man and any community whose rights are trespassed upon by the violation of either of these provisions may complain to the board of commissioners. It is made the duty of the commissioners to investigate it, upon notice to the railway company guilty of the alleged violation of law. It is made the duty of the commission to make a report upon it, to give to the complainants a copy of that report, to notify the railway company, which must comply with the decision of the commission within a certain time, and if the railway company is recalcitrant, unwilling to yield obedience to the decision of the commission, what then? The citizen whose rights have been trespassed upon is not remitted to his common-law remedy—he is not told to bring his litigation in the courts; not at all; but the decision of the commissioners arrived at upon a thorough investigation, with plenary power to examine witnesses and to look at the records and papers of the company bearing upon the question, is sent to the district attorney of the United States. No matter whether it be a case of extortion, of unjust charges at a local station, or of discrimination against a local station, whether in favor of a competitive point or otherwise, it is made the duty of the district attorney to commence the suit against the offending railway company.

Not only that, but the burden of proof is changed by this law, and I think it is wisely changed. The bill provides that the report of the commission shall be *prima facie* evidence against the railway company and in favor of the shipper who has made the complaint. The bill goes beyond that in providing for the enforcement by the Government of the United States of the common-law duty of the carrier. It provides that if the railway company is defeated it shall pay the costs of the prosecution, including the witness fees, the costs of the complainant, and the fee to the district attorney, and if perchance the railway company should be successful, the United States pays the expense of the suit. The shipper whose common-law right is thus sought to be vindicated by the Government of the United States under the bill is not in any contingency obliged to put into operation the machinery of the law except by complaining to the commission, or obliged in any contingency to pay the expense of the litigation.

Do you tell me that the common-law provisions incorporated in the bill, backed by the power of the Government, relieving the citizen from the responsibility of litigation and from its cost, constitute no shield

against extortion and discrimination? If incorporated into law it will be a new feature of the law of this country. I am not willing yet to believe that a commission created by Congress, in the exercise of its constitutional power, clothed with this great authority, will not be able if they are honest and faithful men, as I have no doubt they will be, to enforce the common-law principles in favor of the shipper and in favor of localities so as to do away as far as it can be done with the discrimination of which my friend from West Virginia complains. It is not fair to the committee, it is not fair to this bill that Senators shall ignore as a means of protection such virile and vigorous provisions of law as are those I have read with the power of the Government behind them. That is not all.

The bill in another section strikes at the root, strikes at the heart of a fruitful source of discrimination and outrage by the carriers of this country, both in State and interstate commerce. I call the attention of the Senate to the language of section 2, and the section is carefully drawn; it seems to me almost perfect in its language:

That if any common carrier shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

Any violation of this prohibition against rebates comes under the penalty section of the bill and in addition to that is given a large claim for damages, which is to be enforced at the expense of the Government and by means of the Government officials to whom I referred a moment ago.

This leaves room for special rates wherever special rates are fair. And every man who knows anything about the transportation business knows that there are circumstances under which special rates are fair and just. That section as it is drawn, to my mind, strikes as perfectly as language can against that great curse of transportation wherever it exists—mere favoritism. Every Senator here knows that it is in the power of railroad corporations, a power sometimes exercised, I think, to build up by favoritism one business at the expense of another in the same community. It is in their power to make one man prosper, and to bring to another man engaged in the same business in the same place ruin.

This provision, if it becomes a law, takes away from the railroad corporation that power of favoritism. I have never yet been able to see any possible, conceivable defense for the exercise by railway companies of such a power. I have never been able to see any reason for inequality in service by railway corporations of people situated in the same community engaged in the same business. There is to my mind no defense for it whatever.

The railway company derives its right to live from the State. It is clothed with peculiar powers. It can run its locomotives along the streets; it can cross the highways; it scatters fire in every direction without any liability, no matter what injury is done, if it only exercises due diligence. It is clothed with the supreme right of the people to take your property at a price to be fixed by some one other than yourself and against your will. It is necessary that railway companies should possess this power, and I think they generally pay for the property they take all that it is worth, and perhaps more than it is worth; but they may take property the value of which to the owner is not reducible to the standard of the dollar.

There is little property that I know of beyond the reach of condemnation by the railway corporations under the laws of the country where it is necessary that they should take it. They may take your home, "the dearest spot on earth" to you, in which center the tenderest memories of your life, around whose hearth brothers and sisters now scattered and gone used to gather, from under whose roof perhaps you carried your father and mother to graves under the tree which he planted and tended in his early manhood. They have a right to take this from you, and they must be clothed with the power of taking it, because otherwise the great public interest could not be subserved.

But, sir, no corporation clothed in the public interest by the public with such powers as these ought to be permitted to use the franchise of the carrier to favor in the distribution of its service persons or firms or locality, or to discriminate against persons or firms or locality. The old formula that "equality is equity" is as wise for the government of the carrier as it is for the guidance of the chancellor. I think this section, drawn as it is against rebates, against special rates, against favoritism, will be one of great practical importance to the people of this country, and will greatly tend to correct the discriminations of which the Senator from West Virginia and the Senator from Michigan [Mr. CONGER] complain.

This power to give rebates and special rates and other discriminative privileges has been, in the hands of the general freight agent and the general manager of the railway corporation, a ready and often-used instrument, ample in various ways, and productive of the rate wars which have been for the last few years almost the rule in this country between contending and competing corporations.

There has been, if I may be permitted to so remark, too much per-

sonality or individuality in the railway management of the country. I was told by a distinguished gentleman connected with a great railway, a man whose name is a guarantee for the accuracy and truthfulness of what he says, that within the last few years he knew of an instance where a single remark from a railway president over a glass of wine at a hotel table brought on a war of rates which cost \$5,000,000 of revenues before it was ended. No man can calculate the cost and the loss which it brought to shippers and to the people in the region which that railway traversed.

These constant rate wars have brought into the business, as every one who hears me knows, that most dangerous of all elements to business prosperity, the element of uncertainty. No man who has had anything to buy knew what he ought to pay, because he could not know from day to day what the rate of carriage would be. No man who has had anything to sell knew what he ought to ask for it, for he could not know from day to day what the rate of carriage would be. It may easily happen at such a time that two merchants, doing business at the same point, might buy of the same firm, at the same prices, a large stock of goods, one paying the current rate for transporting them to his place of business, the other having the unfair advantage within a fortnight of a rate war, which would enable him to sell his stock at prices which, while giving him a handsome profit, would ruin his neighbor. That is not what can be called healthy competition, no more than the flush of fever is the ruddy glow of health. A condition of affairs which leads great railway corporations to carry freight and passengers for less than it costs is not only destructive to the interests of the stockholders, but is destructive, in a palpable way, of the interests and business of the people.

I think this provision, and the tendency it will have to prevent rate wars, to take it out of the hands of freight agents to cut under each other will tend to the steadiness of rates and to the benefit of the people in every way; will tend to restore what the Senator from Iowa [Mr. WILSON] some years ago remarked in a speech upon the subject in the Senate as a great railway evil in this country, the decadence of good faith in the compacts as to rates, &c., of railway companies with each other.

There is another section of this bill which provides for publicity of rates. That is new in this country. It provides not only for publicity of rates—and it is a step in the right direction, and a long, strong step, too—but it provides that railroad companies shall not, having published their rates, without notice increase them. Railway companies will be very slow to enter upon rate wars, they will be very slow to bring disorder and uncertainty into the business of the country by reducing their rates below what is right and fair and just to stockholders and to the people, if they are prohibited from putting their rates back again at will.

This committee has stricken out of the bill a provision which was in it when it was first introduced, and which, with a qualification proposed by the Senator from New Jersey [Mr. SEWELL], I think should be put back into the bill, and that is that the railroad companies shall not be permitted to lower their rates either without a shorter notice. The qualification to which I refer was that they might lower their rates without notice where it was necessary to meet competition by water or by a carrier not reached by the provisions of this bill and beyond the jurisdiction of the Federal authorities. I think the provision requiring publicity of rates, properly guarded, will be an advantage and a great advantage to the people. It will help the people to know whether rebates and special rates are being allowed in violation of the law. It will stimulate the watchfulness of the people. It will make much more easy of enforcement all the other provisions of this act, and it will, as I said before, tend very strongly to prevent the frequent recurrence of rate wars. Am I wrong in saying that the Senator from West Virginia and the Senator from Maryland underestimate the value of this provision, together with the other provisions of this bill to which I have referred, as a means of protection against the outrages of which they complain?

Now, sir, some suggestions directly upon the amendment offered by the Senator from West Virginia [Mr. CAMDEN] and I have done.

The Senator from Michigan [Mr. CONGER], for whom I entertain the profoundest respect in every way, who is one of the few Senators whom I had the honor to know before I became a member of this body, in his remarks the other day on this clause rather seemed to imply that any one who was opposed to this short-haul and long-haul provision must be classified as a railroad representative upon this floor. No man must put me, in my advocacy of this bill or my opposition to this amendment, in that category. Mr. President, I may be wrong about it but I think that the short-haul and long-haul provision, which the Senator from West Virginia is so partial to, would be in the interest of railway companies, and I think it would result in largely increased revenue to railway companies. I am not able to see that it would be unjust to the railway companies of the country in any way after they shall have adapted themselves to it. But I want to say here that if I thought it would be unjust to the railway companies I should not hesitate for one moment, standing here in the United States Senate, to say so. When the time comes, if it ever shall come, that I shall be deterred from saying what I think I ought to say or from doing what I think I ought to

do upon any subject pending before the Senate, by the fear that some man here or elsewhere will wrongly charge me with representing an interest upon this floor, other than that of my constituency, I shall give back to my people the trust which they gave into my hands and ask them to place their interests in the care and keeping of some one more manly and more independent.

Sir, I think the amendment proposed by the Senator from West Virginia, and he does not misunderstand its scope, strikes a steady, direct blow at competition all over the United States. I can understand why that Senator and others situated as he is support it, but I fear it strikes at the producer and merchant of the West and at the merchant, the manufacturer, and the consumer of the East. I think it is a proposition to put upon the statute-book a discrimination worse than any which is now complained of as made by railway companies. What is it?

It is a declaration by the Congress of the United States that under no circumstances shall a railway company charge more for a short haul than it charges for a long haul on the same line and in the same direction, subject if you please (but I attach little consequence to that) to a power in these commissioners to unshackle the competitive forces thus chained in spots throughout the country where in their judgment it is advisable.

The Senator from Ohio [Mr. SHERMAN] never uttered a truer word in all his long and splendid public career than the statement which he made here the other day while favoring this amendment, that it would result in increasing the through or competitive rates. The Senator from West Virginia in the speech, very able and exceedingly frank, which he made the other day, admitted, because he must admit it, the same thing; and no truer prophecy ever was made, in my judgment, than that which you, Mr. President, then made that if the Congress should pass such a provision and so chain the competitive forces engaged in the transportation business of the country, it would bring a demand for its repeal, and that quite speedily, which Congress would not disregard.

Now what is there in this proposition that a railroad company shall not charge more for a short haul than for a long haul which Senators think is so fair? Chicago is often referred to in this discussion. The Senator from West Virginia complained that the rates from local points through West Virginia, between Chicago and tide water, are higher than they are from Chicago to tide water. That is doubtless true. During the season of navigation it is true, and it is often true when the lakes and the canals and rivers are locked and the competition is only by rail. Why ought it not to be true? What right have you at a local station in West Virginia to demand that Chicago shall be deprived by law of the competitive forces which God and nature have given her, or that you shall have the benefit of competition which you do not possess? Chicago is situated upon a lake. She may ship to Buffalo, from Buffalo she has water carriage to tide water; four or five trunk lines of railway run out of Chicago, brought there by the expenditure of millions of dollars, invited there by the expenditure locally of millions of dollars, for what?

In order to give Chicago, one of the great gateways through which the West has been for years pouring her wealth to the Atlantic seaboard, the benefit of competition. The position of Milwaukee is similar. This question is discussed here from the beginning as if the railway companies, of their own motion, out of favoritism to Chicago and other competitive points, made low through rates. Is that true? We all know, as the Senator from Georgia [Mr. BROWN] very truthfully said the other day, that rail transportation can not compete with transportation by water. When navigation is open from Chicago to tide water the railway companies carrying freight from Chicago to New York have no more to do with fixing the through rate than I have with fixing the income which the Senator from West Virginia shall receive from his investments. In order to carry at all, they must bring their rates down to the lowest point for which another will carry; and when navigation is open, whether by lake, by canal, or by river, the railway companies have to bring rates down low, very low in order to carry through freight at all, because a rate which is ruinously low to the railroad carrier affords a handsome profit to the carrier by water.

The conditions of water transportation, as to cost, &c., are essentially different to that by rail. The river and the lake are natural highways, free to all; they are highways furnished ready-made, free of cost, for the use and benefit of all. No cost of maintenance or repair rests upon any one as a condition of such use. If the river needs improvement, or the harbor on the lake, the necessary expenditure is made by the general public.

Now tell me, pray, what philosophy or reason there is, as a matter of principle, for declaring that because the railway carrier from Chicago to tide water in the East is obliged to meet a rate which is made by the vessel, and therefore to give a low rate through to the ocean, that those who live at a station fifty or a hundred miles out from Chicago, situated on only one railroad line, shall have the benefit of that competition? It is an attempt to take away from communities and from people natural advantages which they have, and advantages which they have acquired and paid for, under the supposition that it will tend to give advantages to other points to which, in my judgment, they are not entitled.

Mind you, I do not attempt to justify on the part of any railway company exorbitant and unfair rates from local points. I do not attempt to justify charges upon the part of a railroad company from local and non-competing stations which are made with sole reference to enable them to recoup and make up from such localities what they fail to get because of the competition at other points. I think this bill will, if enforced, prevent extortion; but what I assert is this, that situated on one line of railway only, without any lake, without any river, without any competition, you have no right to complain that you have not the same competition that Chicago and other points differently situated have, nor have you a right to demand by operation of law the benefit of competitive prices which nature has denied you, and which you have not possessed either the power or the enterprise to acquire. Railway companies meet at Chicago a rate made by water. It is too low, if you please. It is not too low because they want it to be low. It is not voluntarily made too low to enable them to make money by discriminating against local points, for railway companies want to get from competing points as well as from local stations all the traffic they can and the highest rates they can, but the through rate is made low because of the competition, it is made low because the river and the lake will carry the freight if the railway carrier does not, and it is low because it must meet that rate or not take it all.

Now, this proposition that a railway company shall not charge more for a short haul than for a long haul, is to do what? It is to say that a station 50 miles this side of Chicago which has but one railway, which has no transportation by water, which has no competitive forces whatever, shall have precisely the benefit of the competitive forces that Chicago has, that Milwaukee has, that Omaha has, that certain points in Kansas have, that Saint Louis has, that Kansas City has, that Saint Paul has, that Minneapolis has. Is there any justice in that? To my mind it is a species of communism; it is an attempt to take from those who have competition that which they have and to give it to those who have it not and who, by the operation of natural laws, are not entitled to it. It is an attempt by this amendment to provide what? To provide that the maximum rate—and Senators say it is not a bill relating to rates at all—from local and non-competing stations shall be the competitive rate from the competing point. The West never could have been built up but for the competition which has brought it near to tide water.

It has been considered a desirable thing to the whole country that the frontier should be pushed rapidly farther and farther to the westward. To that end, by the expenditure of millions and millions of dollars brought here from the Old World and from the New England States, as well as that contributed by the West and by the localities to be immediately benefited, hundreds and thousands of miles of railroads have been constructed. What for, if not to bring nearer to the markets of the East and to export facilities those distant regions and their products? How could this result if the mileage basis of freights is to be applied?

Natural advantages are pretty well distributed after all. We have been brought by this immense expenditure of money nearer to the tide-water. We have abundance of water competition, and our lands are more easily tilled and cost less money than lands in West Virginia probably. But the Senator from West Virginia must not forget that his constituents have advantages over us. Our people occupy the boundless prairies, and are far from fuel, which comes to them at great cost, and are far from manufacturing centers, while West Virginia—and this is true of many of the other States—has wood and coal and iron and manufactures in abundance and at hand.

Mr. President, I admit the difficulty of the subject. I do not claim to absolutely know that I am right about it; I have great faith in the opinions of the Senator from West Virginia; but if I can reason upon this subject, it is a proposition which, while it will injure the West, while it will destroy the competitive forces which we have there and to which we are entitled, while it will destroy largely the export business of the country and will injure the merchants and manufacturers and business of the East, it will not benefit the people who are so strenuous in favor of the adoption of this amendment.

I want to ask the Senator from West Virginia what percentage of the business of the Pennsylvania Railway Company, to which he referred the other day, is its through business?

Mr. CAMDEN. Ten per cent.

Mr. SPOONER. Ten per cent. Now, look at that a moment. Ten per cent. of the business of the Pennsylvania Railway Company is its through business, which you say is done at a low rate, affording very slight profit. Ninety per cent. of its business is local business, 90 per cent. of it is the business which gives life and strength and power and wealth to the Pennsylvania Railway Company. Now, if you provide that the Pennsylvania Railway Company shall, if it takes business at the low through rate which is necessary from Chicago, correspondingly reduce its local rates between New York and Chicago; if you say to the Pennsylvania Railway Company "the maximum rate from all your local stations between Chicago and the seaboard shall be this competitive rate fixed at Chicago," what will the Pennsylvania Railway Company do? It would not hesitate one moment as to what it would do. No man of sense could hesitate for a moment as to what it should do.

It would simply no longer meet that competitive rate. It would not give away 90 per cent. of its business, the business upon which it relied to pay its interest and keep its road-bed in repair and keep its rolling-stock in condition and in good supply—it would not give away that business.

Mr. CAMDEN. It does not do it now. It has established the long and short haul principle.

Mr. SPOONER. I do not know about that. I do not know what rebates that company is giving. I do not know anything about the inside history of its transactions; but I do know this, I think, that if the Congress of the United States says to the Pennsylvania Railway Company "whatever rates you put upon this 10 per cent. of through business, which you take in competition with the lake and the river and the canal during the season of navigation, will be the utmost limit of your local charges," the Pennsylvania Railway Company would not hesitate one moment to say that it would rather sacrifice the 10 per cent. through business than lower their local rates.

Would they hesitate to say it? It can not be possible. The result would simply be this: They would put up their through rates. They would not get the freight, of course, but they would rather throw away that 10 per cent. of business which they carry at trifling profit, if any, than to sacrifice one single farthing of their local rates between Chicago and the seaboard. That is what they would do. That is what the Lake Shore would do. That is what those two competing lines would do, and what other roads would do throughout the country where such competition exists. They would say to the carriers by water, "Take this freight at your price until navigation closes and our turn comes. We will not throw away our local freights in order to be able to carry this small percentage of our business for little or nothing from Chicago and Milwaukee and Omaha and the other competitive points of the West to tide water."

Then what will come about? Do you think they will then lower the local rates? Not at all. They would have lost what little business they had on the through freights, and they would feel just that much less inclined to lose anything on the local rates. They would put up the through rates and they would not lower the local rates a cent. On the contrary, they would be likely to raise them, and they could do it with impunity, keeping up the through rates, for the local rates of the country are as a rule high only by comparison with the through rate. If they charged too much for carrying from a local station, you would make your complaint to the commissioners, under this bill, that they were discriminating against you, that they were perpetrating extortion upon you, and seek a remedy here; but you would not get any reduction of local rates, it seems to me, by the railway company by reason of your having destroyed their business from competitive points.

But that is not all. What else would result? While it would not benefit these local stations at all it would injure the West and the East (for the low through rates are from east to west as well as from west to east), because it is with the carriers by lake and river as it is with the carriers by rail; they get the highest price they can, and if the railroads are not longer obliged to compete with the river and lake and canal, if that transportation belongs entirely to the water, the water rates will go up and they will stay up as long as navigation lasts; and when navigation is closed, what then? You can not pool very well the business of the railway carriers with the business of the steamboat and vessel men, because the water is free as air, and the interests are diverse, the ownerships are not brought together; but the very moment navigation closes, the very moment you can not carry by water any longer, the very moment the interests of the country are dependent upon rail transportation, and the farmers of the West will have to send by rail or not at all, then the merchants of the West who want their goods from New York, from Baltimore (if Baltimore wants any more of our products or any more of our trade), must rely solely upon the railway carriers. Under such a law as this, which lays upon the railway carriers a command to keep up their through rates under penalty of reducing their local rates upon which they rely for their life, they will be forced to combine, to consolidate, and to keep up the through rates lest their local rates suffer.

Sir, experience may lead me to a different conclusion; further investigation by competent men bent upon arriving at a correct result, laid before Congress, may lead us all to a different conclusion; but for the life of me I can not see any other effect from this short-haul and long-haul provision which the Senator from West Virginia and some of his friends seek to ingraft upon the bill than that it shall stifle the competitive forces of the country, and that not for the benefit either of local points.

Mr. CONGER. Will the Senator allow me to ask one question?

Mr. SPOONER. Certainly.

Mr. CONGER. The Senator does not deny or affirm that a charge twice as much for half the distance on the same road is either right or wrong, or that this bill in its further provisions would affect it in any way. That he leaves untouched. But the Senator dissuades me from voting for this amendment by saying that these great monopolies have the power to increase the proportion between the short and the long haul to the disadvantage of local points, and that because they have

this terrible monopoly of power it is best to succumb to it and yield to it for fear of something worse. Now if I understand his argument, that is it; and if it is different I should like to have it settled.

Mr. SPOONER. My argument is this: I do not claim that it is fair to charge twice as much for half the distance if you state that abstract proposition; I claim no such thing; but I claim that if the railway company, in the case you put the other day, is perpetrating an outrage upon the people of Michigan, under this bill if it becomes a law it will rest in the power of the commission to bring the company "to book." I claim that without the short haul and long haul provision it will be, upon complaint, in the power of the commissioners, and their duty, to decide against the company. It will be the duty of the district court of the United States, at the expense of the company or the United States, to pursue, upon their report and decision, a remedy for the citizen or the community; and under this bill, if the railway company persists in doing injustice, exemplary damages are allowed and provided for, and in addition to that, having regard for the large public interest added to the individual interest complaining, if the railway company still persists, then, as of course, the arm of the Federal courts by injunction preventive or mandatory is laid upon them to right the wrong.

The argument which I have made, or at least which I have intended to make plain to the Senate, is that a fair trial of this bill, with all its safeguards and all its penalties, with its elasticity of detail, will enable the commissioners to guard against the evils which are complained of, and that there is no necessity for resort to this long-haul, short-haul experiment which may be so fatal in its injurious effects. Time, I say, may show that I am mistaken in this; but I am afraid now with the information before us to adopt as a corrective a provision which, in my mind, will put up the through rates and stifle the competition of the country. Detroit has the benefit of competition, Detroit is entitled to the benefit of competition to the tide-water and from the tide-water to the West. A large part of Michigan tributary to Detroit has that benefit too. Until the provisions of this bill have been fairly tried, until these commissioners have investigated and reported, until we know something more about it and its probable effect, I am not willing myself to vote for a proposition which, while to my mind it will not remedy the evils complained of, will inflict upon the country others which are far greater.

I do not say, mind you, that there are not all through Michigan, as I know there are doubtless in my State, some outrages upon the part of carriers that ought to be remedied; but I think I see that a wise and honest and strong enforcement of this bill, if it shall become a law, will enable us to remedy those wrongs without striking down by this provision—

Mr. CONGER. Let me ask in that same connection a question.

Mr. SPOONER. Certainly.

Mr. CONGER. I admire the candid manner in which my friend treats this subject. I alluded in my remarks to actual existing cases in Michigan, and I did that without referring to some other cases in other States, because the State of Michigan, two peninsulas as it is, almost surrounded by water, has access to water communication very direct from all its interior to the East, to the West, to the North, and almost to the South. Now, the statement which I made was in regard to charging so much more for carrying flour to the East from points in Michigan than would be charged from Chicago; that it was the interest of the millers in Michigan having access at reasonable distances to the water around it to pay freight clear back 100 miles to Chicago and then get contracts over the same roads to carry their flour to the Eastern market.

If there is that hardship in a State surrounded by water as Michigan is, what may it not be in States which have no such water communication—States like West Virginia, States like Ohio and Indiana? If, with all our water advantages—we are wonderfully situated in that respect—there can be such great impositions upon the producers of the grain and the flour of Michigan, what must not the disadvantages be in States that have no such easy competition?

Mr. SPOONER. Why, Mr. President, I have not in anything that I have said attempted to defend the discrimination of which the Senator complains. I do not know what the precise facts are in that case. I do not know what governs the railway companies in their action. If I understand the statement, I have no hesitation in saying to him that upon its face it seems like an unjust discrimination which ought to be prevented. I have no doubt that there are similar ones in every State in this Union. I do not deny that. I justify the passage of this bill; as one of the representatives of the people, I demand the passage of some such bill in order to guard against unjust discrimination everywhere; but my proposition is simply this: that we ought not to strike down the competing points and tributary sections throughout the land in order to protect—for I think it would not protect—these local points. I deny the efficacy and the justice of the proposed remedy. If the charge from the local points is an unreasonable charge, then this commission, as I have tried to show, will have the power to lay its hand upon it and to apply a corrective. The proposition which I make is that we can remedy that; at any rate we ought to remedy that without resorting to this short-haul provision, which I believe attempts to give to a single station this side of Detroit all the competition by water and

rail that Detroit has, that attempts to equalize along every railway of the country by legislation advantages and disadvantages, natural and acquired.

I am very far wrong if this bill without this short and long haul provision would not enable the commission to reach the grievance of which the Senator from Michigan complains. Of course, as far as these discriminations are local to a State, its Legislature may apply efficient regulation.

Mr. CAMDEN. Will the Senator allow me to ask him a question now?

Mr. SPOONER. Certainly.

Mr. CAMDEN. In reference to the disadvantages the farmer of the West is placed under by this amendment let me take the case of Ohio, which produces about 40,000,000 bushels of wheat, or the State of Indiana, which produces something more, or the State of Illinois, about the same, or West Virginia, four or five million bushels and a larger proportion of live-stock.

I want to ask the Senator what hardship it is on the States west of the Mississippi if they are limited to getting their products to the sea-board market at the same price that the East pays between the sea-board market and the place of production? In other words, is it not liberal and fair to the Western States if they are permitted by legislation to get their products to the sea-board market at the same price as the great Middle and Western States lying between the seaboard and the Mississippi River? Is there any discrimination against the West, is there any hardship against the West by the enactment of this provision which leaves to the commission a discretionary power to vary the rules where it is necessary to secure the proper rights of the railroad and also to equalize different sections of the country? Can there be any hardship to the West in that, and is it not a liberal provision in favor of the West?

Mr. SPOONER. If I understand the question of the Senator from West Virginia, he is simply arguing in a circle. That is the very question which I have attempted to discuss from the beginning. Our people get their low through rates, if you please, from Chicago; they pay their share of a fair local rate to the competing point before they have the advantage and benefit of the through rate; and the question is not so much whether we are charged too little as it is whether you are charged too much. We are entitled to all the benefit that competition gives us, if at Chicago, if at Milwaukee, if at Saint Paul, if at Duluth, if at Kansas City, if at Saint Louis, if at Omaha, if at the other competitive points west of Chicago we have the benefit of rivers and of competing lines of railway which you have not at Parkersburg.

Mr. CAMDEN. I ask the Senator, do we take any of these competing advantages? Are not the water ways left there, and the water ways always secure competition? Are not the competing railways left? Are not the shippers left at perfect liberty to avail themselves of the natural water ways and the natural competition?

Mr. SPOONER. Not at all. That is what is complained of, that you do strike down our competition, that you do attempt to take away from us advantages which we are entitled to, because you admit yourself that the through business for the trunk-line railroads is a trifle. You admit yourself that that business they carry for trifling pay. You admit yourselves that it is of no consequence to them in the great volume of their revenue. Now, can anything be plainer, that being true, than that if you say to those railroad companies, "Look to the rates you give the West; we are watching you, and if you give to the farmers of the West, the grain-growers of the West, the cattle-dealers of the West, a lower rate, notwithstanding all this competition at different points, notwithstanding the fact that the water makes the rate and not the railroad, if you give them this low rate, you must correspondingly reduce your rates from all the local stations between Chicago and the seaboard," the through rates go up, and up to stay? Can anything be plainer than this kills the competition both by water and rail?

Mr. CAMDEN. I do not want to interrupt too often, but right in that connection I wish to make a suggestion. Suppose there is a reduction on wheat or live-stock or any agricultural product from Chicago, is there any fairness in allowing the States west of the Mississippi to sell wheat in the market at 5 cents a bushel below what it can be sold for in Indiana, Ohio, Kentucky, West Virginia, or Illinois? You are discriminating against those sections of the country. You are enacting a law that shall be lawful, and this commission can not go behind it; and if they can not, whenever complaint is made of undue discriminations to the commission you have an answer right in the words of the statute which has authorized the action.

Mr. SPOONER. The Senator from West Virginia is arguing a question which I have not yet come to. My proposition is this, and it seems to me too plain almost for discussion: The farmers of the West are entitled to just what you are entitled to, the benefits and the advantages that their situation gives them. If they are so located that competing forces at work give them a lower rate, whether by rail or by water, that is their advantage under the providence of God, and it is not your disadvantage. It is not a discrimination made by railway companies against you; it is a discrimination arising from the situation.

Mr. CAMDEN. I wish to ask one question, and then I shall not

trouble the Senator again. He says the Western farmer gets his produce to market by rail one-half of the year. Now why should you so provide as to give a cheaper rate to the Western farmer west of Chicago than is given to the farmer living in Ohio? And why should we by a bill discriminate against the bulk of the farmers of this country in favor of 15 or 20 per cent. who are better located, and enable them to bring their products to market at a cheaper rate?

Mr. SPOONER. That is the same old question.

Mr. CAMDEN. That is the point that my friend can not answer. The proposition can not be answered.

Mr. SPOONER. It is a proposition that I think can be answered; it is a proposition which seems to me to need no answer. I say again, and I am sorry to have to repeat it, that if the local rates are too high, if the railway company charges you from your local and non-competitive station more than a fair equivalent for the service which it renders, then it is guilty of extortion. Your community has the right to complain under this bill, and the bill affords, through the instrumentalities of the Federal courts, without the expenditure of a dollar by your people or by your community, a remedy.

But I have attempted to argue that while the amendment you offer, and upon which you insist, will put up the through rates, it will not reduce the local rates. I do not want, nor does any man in the West want you to pay more than you ought to pay for carrying your freights. We have no interest under heaven in any discrimination against you; we have no interest in crippling your business; we have no interest (indeed our interest is the other way) in any legislation which shall discriminate against you. All we say is, that you have no right to legislation which shall discriminate against us. All we say is, that you must submit to the disadvantage of your location. You live nearer the sea. If you ought to have lower rates than you get through all this competition, make your complaint and get them, or build your competing roads and get them; but pray can you not discover some remedy to protect you against extortionate local rates without objecting to our having low through rates any more at competing points? We insist that you shall try.

Why, Mr. President, for years railway rates, local as well as through, have been going down, down throughout the country. This fact is illustrated by the railroad commissioners of Iowa, who, in their report for 1881, occupy forty-six pages with tables and statements showing the reductions in rates in that State, and in which they particularly call attention to the fact that "the reduction is not confined to the through traffic; it applies, in a somewhat smaller ratio, it is true, to the local traffic as well." (Page 7.) And they conclude their remarks upon the subject as follows:

We venture to say that this average percentage of reduction for the last fifteen consecutive years will be a matter of no little surprise to everybody who does not make the study of freight tariffs a somewhat regular habit. Although we have made no calculation to demonstrate it, we venture to affirm that an equal average reduction in the cost of any kind of service for which the people pay a money consideration can not be found during the past fifteen years.

I quote from an able article on railway rates by Mr. G. T. Lansing, in the Popular Science Monthly for April, 1886. The fact is further illustrated by some statistics of Mr. Edward Atkinson as to the business done by the New York Central Railway Company within the last few years. He says the tons moved one mile on the New York Central and Hudson River railroad increased from 1865 to 1885 570 per cent.; that the charge per ton per mile on this line was 408 per cent. higher in 1865 than in 1885, and that the profits for moving one ton of freight on this line was 552 per cent. greater in 1865 than in 1885.

But I can not make this proposition any plainer than I have attempted, though under great disadvantage, to make it. I beg leave to suggest that the condition of this country, of its commerce and business, to-day is not quite favorable for the experiment upon it which the Senator from West Virginia proposes. The commerce of the country to-day is suffering tremendous depression. Everything that is sold is sold on a narrow margin of profit. It is a bad time to introduce into the business of the country such an element as this. It is an inauspicious time to attack New York, and Baltimore, and Boston, and Philadelphia, and Chicago, and Milwaukee, and Detroit, and Saint Paul, and Omaha, and Kansas City, and the thousands of other competitive points in this country.

The farmers of the West are meeting on everything they produce a competition which is almost intolerable. They meet it in their dairy products. They are brought into competition with the imitations of butter, having a tremendous sale, which have already made an almost disastrous impression upon the legitimate dairy business of the West, and to some extent of the East. They can not stand any addition to through freights.

Take the tobacco of which Wisconsin raised \$5,000,000 worth last year in value, and the competition under our tariff classification as it is to-day with Sumatra tobacco lays almost an embargo upon that industry. I think I may appeal to the Senator from New Jersey that this competition operates to his vast detriment, though he raises his tobacco within sight of the sea. Our farmers can not stand an added price for transportation from the West to the East. Corn and some other products must rot in the field and granary if they are taxed much for transportation. You take the item of wheat. How will the wheat

farmer live if compelled to pay higher freights upon his surplus wheat? It does not come out of the middleman; it comes out of the farmer. I need not say here that the farmers of the West can not endure higher freight rates on their wheat to tide water.

The competition which meets the American wheat-grower is now all that this interest can endure. It is worth remembering in this connection that England is doing her utmost—and everything almost is within reach of accomplishment when England does her utmost—England is doing her utmost to drive American wheat from the markets of the world. The competition with Indian wheat is such that the farmers of the West can not bear one penny added to the cost of the transportation of their surplus product to the seaboard any more than your merchant in the East and your manufacturer in the East can stand it to have an addition made to the cost of transportation from your market to our Western prairies or than your consumer can afford to pay higher for what he buys of our products to eat.

I have some figures from a report about to be presented to the Senate by the distinguished chairman of the Committee on Transportation Routes to the Seaboard, the Senator from Rhode Island [Mr. ALDRICH], which I beg leave to say will be found to be of great value for accuracy, research, and ability, and I invite the attention of those Senators who are so willing to strike down the Western wheat-grower to these figures, showing that for thirteen years ending in 1872 1,000,000 bushels of wheat were sent from India to the United Kingdom, which was our best market, and for the thirteen years ending in 1885 122,000,000 bushels. During those years India changed her position or rather England changed India's position from thirteenth to fourth in the order of wheat-exporting countries. The other day I picked up the report of the Department of Agriculture for April and I find in it, what will surprise no man, this statement:

Steps are being taken to ship Indian wheat in a better state of cleanliness than heretofore, which are expected to increase the value by from 5 to 7 per cent. Much improvement has been made in this regard since the first introduction of Indian wheat into English markets; nevertheless it is estimated that in the last export season 30,000 tons of dirt and foreign matter were carried to the seaboard and, in part, exported abroad.

A steady, constant, powerful effort is being made to develop that industry, to improve the grade of wheat, and to put the Indian wheat-grower where the American wheat-grower has been.

A scheme has been floated in London, through the instrumentality, it is said, of the secretary of state for India, Lord Randolph Churchill, by which the directors of the Great Indian Peninsula Railroad will be enabled to extend their system via Bhopal to Gwalior, Agra, and Cawnpore, in the Indian midland. This plan has long been advocated by the Bombay Chamber of Commerce, and when completed (in five years, according to the calculation) is expected to exert a most important influence on trade, as it shortens the distance to Cawnpore by 134 miles and opens up some of the finest wheat and seed lands in India.

The rates for carrying in this country have gone down for the last few years, as I have said, but I tell the Senator from West Virginia they have not gone down as much as they have from the Indian wheat ports to Liverpool. I find in this report made by my friend from Rhode Island [Mr. ALDRICH] certain statistics as to freight rates from Calcutta. The rate per bushel in 1874 was 32.6 cents, the rate in 1885 was 18.1 cents; from Kurrachee it was in 1874 39.8 cents, now it is 16.7 cents; from Bombay in 1880 it was 32.5 cents, and now it is 16.2 cents. From Russia, which has entered the lists, from the Black Sea it was 19.4 cents in 1873, and it is now 10 cents; from the Baltic Sea it was 9.7 cents in 1873, it is now 6 cents. From our Atlantic ports it was 21.1 cents in 1873, it is now 10.8 cents, and from the Pacific ports it was 26 cents in 1885. It will not be a year until the rate of freight from the Indian ports will be lower under the influence of England and the competition which she is building up than from this country. Shall we, shall the American Senate strike hands with Great Britain to drive the American wheat-grower out of the markets of the world?

It seems to me, Mr. President, striking down the competition in the West can have and will have no other effect; I can not for my life see how those gentlemen who represent the Atlantic seacoast can favor this proposition. We can not ship to New York and Baltimore and Philadelphia and Boston if we are to be denied the benefit of a low through rate. I see but one result if it is persisted in, and that is that a large part of Illinois and Nebraska and Iowa and Dakota and Wisconsin and Minnesota and Kansas will be compelled (and it will come as true as the sun comes in the morning if this policy is forced upon us)—will find its export market at Montreal, beyond the reach of such a jurisdiction, instead of as heretofore from New York and Baltimore and Boston and Philadelphia. And where our products are exported our merchants will be likely to buy. The Lake Superior system of commerce will take all this to Canada, and Canada will not be backward on her part.

Mr. President, section 4 of this bill, even if it were amended as the Senator from West Virginia [Mr. CAMDEN] proposes, admits the principle for which I contend, and repudiates the proposition upon which the Senator from West Virginia bases his argument, to wit, that under no circumstances is it fair for a railway company to charge more for a short than for a long haul.

Reference is made to Massachusetts, from which section 4 is taken. In Massachusetts an attempt was made to incorporate into the law, for operation within the State only, this amendment of the Senator from West Virginia, but the Massachusetts general court, with great unanim-

ity, voted it down. They were not willing to strike down competition in that State, as they saw and knew that such an amendment would do, and so they inserted in their law, and it has remained in their law, the very words which the Senator from West Virginia is so anxious to strike out—"from the same original point of departure."

Section 4 of the bill provides—

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property, subject to the provisions of this act, for a shorter than for a longer distance over the same line in the same direction and from the same original point of departure.

The Senator from Illinois [Mr. CULLOM], I think, would hardly have dared to face his constituents and report as chairman of this committee this section as I have thus far read it. I doubt if the Senator from Connecticut [Mr. PLATT] could have been induced to favor such a provision standing by itself. Let me complete the section. It is thus:

*Provided, however,* That upon application to the commission appointed under the provisions of this act such common carrier may in special cases be authorized to charge less for longer than for shorter distances for the transportation of passengers or property, and the commission may from time to time make general rules covering exceptions to any such common carrier in cases where there is competition by river, sea, canal, or lake, &c.

Here we have a recognition by the committee, after all the testimony it took; that there are, and will be, circumstances under which it would be injurious to the commerce of the country, and to the people, if the carrier is not permitted to charge more for a short haul than for a long haul.

Mr. CAMDEN. How is that provision affected by my amendment?

Mr. SPOONER. I understand that the pending amendment simply proposes to strike out from section 4 as it stands the words, "and from the same original point of departure."

Mr. CAMDEN. That is all.

Mr. SPOONER. Leaving the section to stand as I read it, with the provision in it that the Senator from West Virginia thinks ought not to be in it, that wherever there is competition by rail, by canal, by lake, by river the carrier shall be exempted from the operation of the provision in this section if the commissioners, or a majority of them, think the popular interest will be thereby subserved.

I do not think this proviso is adequate protection. If it be admitted, as the committee admits, as the bill admits, and as every one seems to admit but the Senator from West Virginia, that an absolute long and short haul provision would stifle competition, it seems that the Senate of the United States ought to hesitate a long while before it votes to turn these competitive forces—in which the people have so vital an interest, distributed all over the United States under every imaginable combination of circumstances, for which localities have taxed themselves millions of dollars—over to the discretionary power of a commission of five men.

I would not give the competitive benefits which we have in the country to-day and the interest of commerce over into the keeping of any board unless it was made up of angels. It is a dangerous experiment to try; and the Senator from West Virginia the other day made an argument against it which ought not to be forgotten, and I think he would not be content with it now if he did not regard the proviso authorizing exceptions to be made as an utterly nugatory provision. He said, and he said wisely, although perhaps I ought not to say it, that from the very beginning these commissioners, if they exercise the power given by the proviso, would be exercising it in favor of the railway companies and would be immediately brought under suspicion and their power for good would be impaired at the outset. Moreover, there would be so many complaints, with all the other matters of complaint which would come before the commissioners, that they would find it impossible, if they numbered one hundred instead of five, to consider the cases in which the interests of the people would absolutely demand that they should make exceptions.

I had the honor to give notice a few days ago that I would offer an amendment to this section, and I for one moment ask the attention of the Senate to this amendment. I do not know that it will meet the favor of a single Senator. I do not claim that it would accomplish what the Senator from West Virginia wants to accomplish; I do not think it would; but I do think it is the only safe provision which ought to be made in reference to this dangerous and difficult subject at this time. I have changed the language of section 4 around. Instead of making it a rule that no railroad company shall charge more for a short haul than a long haul, and giving to these commissioners the power, where they think it is best, to make exceptions, I have drawn a proposed section as follows:

It shall be lawful for said commissioners to prohibit, in special cases or by general rule, any common carrier within the provisions of this act from charging or receiving any greater compensation, in the aggregate, for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure: *Provided, however,* That the power by this section given to said commissioners shall not be exercised so as to substantially deprive any place or community of the benefit and advantage of competition existing or hereafter to exist, it being the object hereof to provide in said commissioners a means of preventing, wherever the same can be done consistently with this proviso, any such carrier from recouping or making up by means of increased charges from local and non-competing stations for rates lowered elsewhere by reason of competition: *Provided further,* That the action taken by

said commissioners under the provisions hereof shall be upon notice to the railway company or companies interested, and upon due hearing by said commissioners; and it shall be the especial duty of said commissioners to investigate and report at the next session of Congress as to the extent to which, if at all, the commercial interests of the country and justice to the carriers engaged in interstate commerce demand or permit the enactment of a law prohibiting carriers within the provisions of this act from charging or receiving any greater compensation, in the aggregate, for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance.

I should be willing, I think, to have this amended by striking out these words, "and from the same original point of departure," with the limitation contained in the proviso.

It has seemed to me that no Senator ought to be willing to vest in any commission a power over this subject, except with a declaration that they should not exercise it so as to substantially deprive any community of now existing competition. It is a limitation which I think the people will demand and the justice of which is apparent.

I am not surprised that the committee should, even after investigation, be unwilling to grapple with the question of pooling at this session, but should prefer to recommend delay until by more complete investigation more intelligent action can be had, but I confess to great surprise that the committee should at the same time consider it wise, without the most complete investigation possible, to arrest even in a qualified way the competitive forces of the country as provided by section 4. I think they could not have been criticised as too conservative in a matter of so great danger and delicacy and difficulty if they had left that, with the subject of pooling, to a future thorough investigation.

Mr. PALMER. Mr. President, I am opposed to the amendment of the Senator from West Virginia [Mr. CAMDEN] because it is unfair to the railroads and it is unfair to the people. I do not suppose that I shall be accused of entertaining any particular regard for railroads as railroads, but only as servants of the people. I think that this amendment would discriminate against certain of our railroads in favor of others, against our railroads in favor of foreign corporations; and as an illustration will serve to give my idea better than any amount of logic, I will state a fact which does fully illustrate it.

Two or three years ago wheat was carried from Chicago (and Chicago has been the chief point that has been discussed here to-day, and it probably ships more freight than any point in the United States unless it is New York) to tide water at a rate of freight so low that it was put down to 10 cents a hundred on wheat. That was equivalent to \$2 a ton from Chicago to New York. It was equivalent to 2 mills a ton per mile. What little I know of railroads leads me to believe that this freight, independent of other circumstances, could never have been transported for 2 mills per mile; but in the dull season of the year, when empty cars in the absence of that freight would be rolling back to tide water, the railroads could afford to take it and did take it. Why did they take it? Out from Chicago run numerous railroad lines.

There is the Pennsylvania Central, there is the Baltimore and Ohio, there is the Michigan Southern and Lake Shore, there is the Michigan Central, there is the Detroit and Milwaukee, which is now a part of the Grand Trunk, there is the connection the Grand Trunk has with its steamers from Chicago, and also the connection with the New York Central by steamer from Chicago.

Now suppose that the railroads had not taken that wheat at 10 cents a hundred from Chicago to New York, what would have been the result? It would have been taken by lake steamers, barges, or other craft down to Collingwood, at the foot of Georgian Bay, shipped on board the cars of the Grand Trunk road, taken to Montreal, and shipped to Europe, or it would have been taken down the lake to Point Edward, at the foot of Lake Huron, shipped aboard the Grand Trunk road there and taken to Montreal, or it would have gone in Canadian and American bottoms through to Montreal, and thus our railroads would have been discriminated against.

However, there is one point I did not mention. It could have gone by steamer to Buffalo, and there the New York Central would have been discriminated in favor of because the New York Central is wholly within the State of New York and is exempt from the provisions of this bill. That is a point which I think has not been mentioned. There is one of the largest corporations of this country that would have been discriminated in favor of. In regard to the point that my colleague from Michigan, for whose judgment I have the highest respect, made in relation to the control that this bill, if it becomes a law, would exercise over the shipping of the lakes, I think it would apply only to that shipping which is connected with some railroad or some canal-boat line and thus makes a continuous line in that way through to New York.

In carrying freights on the lakes nothing is ever said outside of these lines about rates to New York. It is 6 cents to Buffalo, 4 cents to Buffalo, 2 cents to Buffalo, and last year it was brought down to 2 cents a bushel on wheat to Buffalo. The railroads certainly were not there to divide it. They had no part or lot in it.

The rival lines of railroad brought lake freights down to this figure. They made money; they could afford to carry freight very low; otherwise they would have run to the tide water with empty cars.

Now my idea is this: We must not cripple the railroads; we must make them strong, and then make them behave themselves. There is

the whole difficulty. We do not want to embarrass them; we want to control them.

As to the point which the Senator from Ohio made when he propounded a conundrum of this character, "If freight was being carried from Pittsburgh to New York at \$20 a car, would it be equitable or just to take freight from Chicago to New York for \$10 a car?" Abstractly we should say not. Independent of any qualifying conditions the answer involuntarily would be that it would not be equitable.

But when we take into consideration the competition that does exist at Chicago and the necessity for taking these freights at low rates, my opinion is that it would be better for Pittsburgh to permit that road to carry freights at any price it could make money at, particularly freight not naturally coming to it that she could not get without going into competition for it, and then let this commission come in and regulate the freights between Pittsburgh and New York.

In regard to the discrimination that my colleague alluded to, it is not the railroads that make the discrimination, it is the Almighty. Chicago is favorably situated. She has two strings and possibly five strings to her bow. She has the Lake, she has the Grand Trunk road, she has the British territory to go through, and she has these numerous railways of ours.

I think that if the amendment of the Senator from West Virginia should pass it would cover the bill with derision and there would be such a howl over this country before December that all of us who had voted for it would desire to hide our heads.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from West Virginia [Mr. CAMDEN], which will be read.

The CHIEF CLERK. In section 4, line 5, after the word "direction," it is proposed to strike out "and from the same original point of departure."

Mr. CAMDEN. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, the Chair is informed.

Mr. CAMDEN. Mr. President, in concluding the debate on this amendment, I shall not enter into any details or attempt to repeat the substance of the argument made by me some days ago in presenting it. I simply desire to call the attention of the Senate to the vital points embraced by the amendment. In the remarks which have been submitted in opposition to it, the attention of the Senate has been rather directed from the real question involved than to it. The argument of the Senator from Wisconsin [Mr. SPOONER] was one of confession and avoidance, rather than an argument against the proposition embraced in the amendment. The Senator, by his whole argument, admits the justice of the proposition, but contends that in other portions of the bill the remedy sought to be ingrafted by this amendment has been already provided for. If the bill as it stands provides for the remedy in the particulars affected by my amendment, why is it that Senators are so opposed to its adoption?

By the simple striking out of three or four words this section is rendered unambiguous, the plain meaning of the bill is brought out, and the commission itself has power to execute it without any question or doubt as to its meaning, and without reference to common-law principles, without reference to the right of individual shippers under any common-law interpretation of the bill.

This bill in all its provisions and in all its details is to be put in force by a commission, but the powers of the commission and the interpretation to be given by the commission to this act are limited in direct words on the long and short haul proposition. It recognizes the propriety of the long and short haul provision; it recognizes the equity of it; it recognizes its justice as between shippers; but while recognizing that there should be no "greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line in the same direction," it then limits the application of the bill by adding "from the same original point of departure."

By limiting it to the same original point of departure the bill is made to discriminate against 80 per cent. at least, if not 90 per cent., of the shippers of this whole country, and against 90 per cent. of the territory of the United States. What equity and what reason can exist, if you recognize the principle at all for limiting it—what justice and equity can exist in applying it only to about 10 per cent. of the shippers and 10 per cent. of the territory of the United States?

Mr. President, there has been a great deal said against the effect this amendment would have on the shippers of the far West. It is not my desire, it is not the desire of any Senator who advocates this amendment, to impose any restrictions or burdens upon the shippers of the far West; and when you look at it it is remarkable in my mind that the advocates of the producers of the far West should in this Senate contend that because of their distance from the market they must have lower rates, in order to compete, than the nearer shippers living between the Mississippi and the seaboard. What reason is there in that? Is there any reason for changing by law the geographical conditions of this country? This bill simply does that. It changes the geography of the States in order to make the far shipper nearer to the market than

the near shipper, and that the far shipper shall be charged less for taking his products to the market than the near shipper. That is the English of it; that is just what it means.

Mr. President, if the States of Indiana, Illinois, Ohio, Kentucky, West Virginia, and the Southern States are willing in their magnanimity to allow the shippers in the far West to get to market as cheap as these nearer States can, ought the latter to ask more? What condition of things can exist whereby the producers living west of the Mississippi River, so eloquently described by the Senator from Wisconsin, with so many competing lines of railway, should ask Congress to ingraft into this bill the condition that the railroads may give to those distant shippers a less rate of freight than is given to the nearer shippers and producers cultivating more expensive land and using fertilizers?

Senators lose sight of the fact that the markets of the world are open to competition from India and other grain-growing regions outside of the United States, and that the United States must come in competition with those products. They lose sight of the fact that actually more grain is grown between the Mississippi River and the Atlantic seaboard than is grown west of the Mississippi, and they levy a tax upon the greater portion of the product that goes to market for export in favor of the lesser proportion grown west of the Mississippi River.

Mr. President, the act of Massachusetts which embodies the same provision that is in this act as it stands including "the same original point of departure" has been referred to. The conditions are entirely different. In the State of Massachusetts, full of manufacturing towns, with only one seaport city, a State with a small amount of territory, it matters not in that State whether these words of limitation are in the bill or not. Competition there to all points produces the same effect without regard to the original point of departure; indeed there is really no analogy in the application of such a law between the State of Massachusetts with its great manufacturing towns and its great city of Boston as its exporting and importing point and the immense country lying between the Atlantic Ocean and the far West. The conditions do not exist there which make this limitation important one way or the other, but if we pass an act to prevent discriminations over the whole country it must be without limitation; if we do not, we entirely fail to meet the discrimination against 80 per cent. at least of the commerce of this country.

I would not ask that any conditions be imposed upon the railroads which would unduly restrict their business; I would not ask that any restriction be placed on any geographical section of the country that would operate unjustly and injuriously to that section; but if we are going to pass a law to prevent discrimination let us do it fairly and meet all the circumstances and all the geographical conditions and the interests of all the shippers.

Mr. LOGAN. I should like to ask the Senator a question. I have not entered into the discussion of the bill, nor do I propose to do so; but I should like to ask him what we are to understand by discriminations. To illustrate, suppose a man has a thousand bushels of wheat in West Virginia costing the same price for producing it that the man who lives in Illinois has expended in raising a thousand bushels there. Both ship to New York. Does the Senator mean to say that the man in West Virginia pays more per bushel for shipping his grain to New York than the man in Illinois?

Mr. CAMDEN. I mean to say that the people of West Virginia and of Illinois in many portions of it pay more than people farther West.

Mr. LOGAN. The point is what the Senator means by "more." Does he mean on account of the distance, or does he mean that he pays more cents per bushel?

Mr. CAMDEN. I mean that he pays more cents per bushel, more in the aggregate, more per car-load.

Mr. LOGAN. I do not so understand it.

Mr. CAMDEN. It applies to West Virginia and it applies to Illinois outside of Chicago.

Mr. LOGAN. If that is so, I certainly do not understand the provisions of the bill. I do not understand it that way.

Mr. CAMDEN. If it does not have that effect, then my amendment will do no harm.

Mr. LOGAN. I do not understand it that way. I understood the proposition to be that if for instance this commission is appointed, and I reside 50 miles from Chicago and some other gentleman resides 200 miles farther off, and we both ship our grain into Chicago, though I claim that mine should be shipped for less than his, we ship at the same price, and the reason is that there is no advantage to be taken of the two producers. We get into Chicago at the same price and therefore our wheat is at the same profit; the mere question of distance does not affect that at all. It is the purpose to equalize the commerce where it is exchanged. Therefore the discrimination the Senator speaks of by reducing the freights on the wheat near Chicago and putting the rate up on the freight farther away from Chicago is not to exist. When you put it down at Chicago, if the advantage is to the man who is near, that is unfair. Is that what the Senator means?

Mr. CAMDEN. I mean just this, that by the bill itself a shipper 100 miles nearer the market can be charged twice as much as a shipper living 100 miles more distant from the market; and the object of my amendment is to see that the shipper who is 100 miles nearer to market

shall not pay more in the aggregate than the shipper who is 100 miles farther distant from the market. That is the point of my amendment.

I will illustrate further to the Senator from Illinois. By this bill the rate per car is limited to the same point of departure. Therefore shippers at the same point of departure will have equal rights; but how is it after the shipment leaves the original point of departure? Take Chicago for instance. After it leaves Chicago and goes into the State 100 miles distant, the restriction is removed. After leaving Chicago the railroad can charge the shipper 100 miles east of Chicago twice the amount that it charges from Chicago. It can come into the State of Ohio and it can charge any shipper there twice the amount it charges from Chicago. It can in the State of West Virginia charge the shipper three times the amount it has charged from the original point of departure.

Mr. LOGAN. Do you mean under this bill?

Mr. CAMDEN. Under this bill. The amendment is simply to remedy that, and to strike out the words "and from the same original point of departure," and let the bill have general application all over the country.

Mr. BECK. I want to see if I understand this. Unless the amendment of the Senator from West Virginia is adopted I understand that a car-load of wheat may go from Minneapolis to Chicago, and that a man living in Milwaukee, one-half way between Minneapolis and Chicago, on the same train may be charged twice as much.

Mr. CAMDEN. That is exactly it. That is what I seek to prevent. That is just the point that this amendment is intended to remedy. The State of New York has adopted the same principle, that the railroad companies shall not charge more for a shorter haul than for a longer haul, under the rules established by the commission of New York. It is the law regulating the railroads in France and in Belgium. As brought out in the testimony of Mr. Kernan, the rules adopted in France are—

1. No more charge for less than for a greater distance.
2. That is the rule of the government.
3. No discrimination between persons under similar circumstances.
4. No changes in rates except after specific public notice and upon approval of minister of public works.

Mr. HOAR. I should like to ask the Senator a question on that point. Perhaps the question has been put, but I have been absent from the Chamber. Is it not true that there are circumstances in which a railroad should be permitted to make a larger charge for a short haul than for a long one; as, for instance, suppose the intermediate point in the line be a point to which there is no returning full freight, so that all the cars that go one way do not go back full, but go back empty, or the small quantity of matter to be handled requires an increased cost for handling at the station, and all those things which are familiar to every railroad man; or take the case which has been discussed here so often, where to the more distant point there is a competition with a water way, where a railroad in order to take the freight must take it at actual cost or even at a loss, if you consider that point alone? Now if it be true that there are cases to be conceded, cases frequently existing in railroad management, where that should be permitted, then you ought not to have an absolute provision in the bill which prevents it in all cases; but unless it comes within some of those cases which I have supposed, why does not the provision of the bill which authorizes the putting a stop to all unreasonable discrimination come in and cure the difficulty?

Mr. CAMDEN. I answer in the first place that you have not a full remedy here. There are theories on this subject and there are instances in which railroad experts claim that this should be permitted, but I say that those instances can not be sustained. It involves the principle that you can haul a loaded car cheaper than you can haul an empty one. It involves the principle that you can haul a loaded car a greater distance for less money than you can haul it a short distance. Those things do not exist. You may claim that a railroad can haul a car a greater distance for the same money, but no condition of things exists under which you can say that a railroad can haul a car a greater distance for less than nothing, and it involves that very principle. You must say that a railroad can haul a loaded car for less than nothing—

Mr. HOAR. Take this simple case—

Mr. CAMDEN. I have not answered the Senator yet.

Mr. HOAR. Very well.

Mr. CAMDEN. The second proposition the Senator made, if I remember correctly, was that if the conditions exist in any case discretion should be left to the commissioners to remedy it. This amendment does not take away from the commissioners the discretion to remedy these hardships if any are found to exist. That is left in the bill.

The amendment goes no further than to prevent discrimination against 80 per cent. of the shippers and the producers and the farmers of this country. By the terms of this bill it is applicable to only a few competitive points, and is in the interest of a few competitive points; it is in the interest of the large shippers and it is against the interest of the great bulk of the commerce of the people and of the towns of this country, and it can not be supported by any fair argument of justice or equity. In my judgment there can be no reason given for it except

the reason to legislate in favor of the cities and the large competitive shipping points, to build them up and to depopulate the towns and the distribution of manufactories throughout the country.

Look at the operation of this. Take Saint Louis as a point and come into Indiana where there is no competition. You may go 50 miles from Saint Louis and a manufactory could not exist there, because it could not ship its products a shorter distance for the same amount that a ship-ment could be made for a longer distance from Saint Louis. A manufactory under certain circumstances might have advantages to build up a manufacturing interest at a local point, yet by reason of the very fact that the competitive point is Saint Louis, and that freight can be shipped at a cheaper rate by competitors in the same business, that manufactory is destroyed. That is one instance.

You may go through Indiana and that same principle is involved all the time. You may go into Ohio, you may go to West Virginia, and the same result follows. Towns can not be built up between intermediate competitive points. If you offer to ship you have to pay more for the less distance; labor must go away from the country to the cities, and the farmers themselves are placed at a disadvantage as against those at the points that are called competitive points.

This principle of the long and short haul is recognized in New York by the railroad commission of the State. It is recognized by the Pennsylvania Railroad Company. There is not a well-managed railroad in this country, in my judgment, that objects to it. It simply has the effect of equalizing rates over the whole country and to give the people and the towns and the shippers of the whole country an equal chance.

Senators can not as a matter of justice or policy urge any good reason for denying this amendment. If this amendment is defeated you ingraft it here on the statute-book and make it stand out in bold relief that this Senate is legislating against the interests of the community at large in favor of large competitive shipping points. We do not ask to do any injustice to the large shipping points by this amendment. I want to see cities grow, but they ought not to grow at the expense of the country at large.

Take the raising of wheat in Indiana, Ohio, Illinois, West Virginia, and in Kentucky; we do not ask to get to market cheaper than those farther west. We say to them, "You are entitled to all the advantages you have; we do not ask a reduction to your disadvantage; we only ask that you shall not have a lower rate than we have in the aggregate." In other words, we ask that you shall not ship wheat or live stock by our doors to the same market, twice the distance, at a less price per carload than we get, thereby reducing the value of our product in the market as compared with your product in the market to the extent that you have a lower rate than we have.

Is there any reason that can be given why this principle should not be of general application? As long as the fourth section of the bill limiting it to the same point of departure stands as it is the bill legalizes discrimination and authorizes the commission, when appointed, to carry it out. And the commission can not do otherwise than carry it out, because it has no power to make rules varying it. If you leave in this bill the words "and from the same original point of departure," the commission can not go beyond that, and when a shipper comes here from an intermediate point and complains of discrimination and asks the commission for a remedy, the reply of the commission will be "There is the law; it recognizes the right to charge you more than the shipper from a more distant point, and we have no power to interfere. We can not change it. We are only appointed to carry out the provisions of the law and we can not go beyond it."

Mr. President, I do not desire to discuss the question further. I have presented the points which I think ought to be considered, and I do not believe it is possible to pass a law permitting discriminations recognized by this bill as it stands. It would mean to apply the principle to a few competitive points and to leave outside at least 80 per cent. of all the people, and all the towns, and all the manufacturing interests of the country. The Senate can not afford to do that. It is the worst kind of discrimination, and in my judgment no bill can give satisfaction, and can reach the points of discrimination complained of in the long and short hauls, that contains the words "and from the same original point of departure."

Mr. RIDDLEBERGER obtained the floor.

#### INVITATION TO ANTIETAM BATTLEFIELD.

The PRESIDENT *pro tempore*. The Chair takes this opportunity to present a communication from the chairman of the First Army Corps Association.

The Chief Clerk read as follows:

WASHINGTON, D. C., May 3, 1886.

SIR: On behalf of the committee of the First Army Corps Association, I have the honor to extend to you, and through you to the members of the honorable body over which you preside, a cordial invitation to join with the association in a visit to the historic battlefields of Antietam and South Mountain, in Maryland, on the 14th and 15th May instant.

I have the honor to be, sir, very respectfully,

EDWARD S. BRAGG, Chairman.

HON. JOHN SHERMAN,  
President United States Senate.

#### FORT SELDEN MILITARY RESERVATION.

Mr. PLUMB. Mr. President, a bill has to-day been received by the

Senate from the House of Representatives, granting the right of way through the Fort Selden military reservation, in New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company, a bill which has passed the Senate twice heretofore and is now on the Calendar. I ask unanimous consent to take up the House bill for passage. It will take but a moment, and it is important it should pass at an early day.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If the Senator will indulge the Chair a moment the Chair will lay before the Senate bills from the House of Representatives. The Chair will first lay before the Senate the bill (H. R. 661) granting the right of way through the Fort Selden military reservation, in New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company.

The bill was read twice by its title.

Mr. PLUMB. I ask that the Senate proceed to consider the bill.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent for the present consideration of the bill just read.

Mr. PLUMB. I will state that the railroad was built years ago through this reservation by the permission of the Secretary of War. The Senator from West Virginia [Mr. CAMDEN] is familiar with the case. I think he reported a couple of times to the Senate a bill for this purpose which has passed the Senate twice.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which grants the right of way to the extent of 100 feet, and no more, in width through the Fort Selden military reservation, New Mexico, to the Rio Grande, Mexico and Pacific Railroad.

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

The PRESIDING OFFICER. If there be no objection, the Senate bill on the same subject, the bill (S. 189) granting the right of way through the Fort Selden military reservation, New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company, will be indefinitely postponed.

#### HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.;

A bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish;

A bill (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western branches of the National Home for Disabled Volunteer Soldiers;

A bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex.; and

A bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army.

The bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War, was read twice by its title, and referred to the Committee on the Library.

The bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, was read twice by its title, and referred to the Committee on Public Lands.

The joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives, was read twice by its title, and referred to the Committee on Appropriations.

#### STATUE OF GENERAL RAWLINS.

Mr. LOGAN. I would like to have the bill authorizing the Secretary of War to remove the statue of General Rawlins taken up and passed. I am sure there will be no objection to it. It appropriates \$500, and gives the Secretary of War authority to select the site where it shall be placed.

Mr. CULLOM. I must insist on the regular order from this out. I have yielded two or three times.

The PRESIDING OFFICER. The Chair has recognized the Senator's colleague.

Mr. CULLOM. I thought he was through with his request.

Mr. LOGAN. No, I merely asked to have the House bill put on its passage to remove the statue of General Rawlins.

Mr. CULLOM. I will yield for that.

Mr. LOGAN. I ask unanimous consent to consider the bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War.

The PRESIDING OFFICER. The order referring the bill to the Committee on the Library will be reconsidered if there be no objection. The Chair hears none.

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 a third reading, read the third time, and passed.

#### BILLS RELATIVE TO CHINESE.

Mr. SHERMAN, from the Committee on Foreign Relations, reported the following order:

*Ordered*, That Senate bill 1991, entitled a bill supplementary to and amendatory of "an act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, &c., reported from the Committee on Foreign Relations, and Senate bill 2225 to indemnify certain subjects of the Chinese Empire for losses sustained by violence of a mob at Rock Springs, &c., be, and hereby are, made special orders for Monday, the 10th day of May at 2 o'clock p. m.

• Mr. MORGAN. I hope the Senate will consent to that arrangement. The committee desire to bring those subjects up together, and they are both very important and pressing.

The PRESIDENT *pro tempore*. The question is on the order.

Mr. CULLOM. I hope the Senate will make that conditional that the interstate-commerce bill be out of the way.

The PRESIDENT *pro tempore*. It is so framed that it does not interfere with any unfinished business.

Mr. HARRIS. The unfinished business would take precedence of a special order.

Mr. PLATT. I suppose it is ungracious perhaps to suggest even that there should be any consideration when a committee asks for a special order; but the truth is this, I think, that we had perhaps ten days ago several matters clashing for precedence here and by a kind of universal consent an order was arranged for those matters. Some of them are special orders and some are not. The passage of this resolution, as I understand, would displace some matters which it is understood shall go along in regular order.

The PRESIDENT *pro tempore*. Will the Senator from Connecticut allow the Chair to interrupt him? A single objection will carry the resolution over until to-morrow.

Mr. PLATT. I do not make an objection, but I can think of some things, like the arbitration bill, which has not been made a special order as I understand, like the pension bill, which has not been made a special order as I understand, that ought to be considered; and if this is made a special order it takes precedence of those two measures which I think of now, which I suppose it was understood by general consent were to follow the interstate-commerce bill.

The PRESIDENT *pro tempore*. If there be objection the motion lies over under the rule.

Mr. HOAR. I do not object, but I would like to enter a motion at the same time to go with this, and ask the indulgence of the Senate one moment to state what it is. The bill for newly arranging the debts of the several Pacific railroads is a bill of vast importance. It was introduced at the last session of the Senate, and, being of so much importance, it was not only very thoroughly considered by the Judiciary Committee, but it was submitted by myself, who had it in charge, to various members of the Senate, including yourself, sir—

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. HOAR. Asking their special consideration, as you will remember, of the provisions of that bill. It has been considered in the interval in the Interior Department, and it was reported among the very first measures of this session; it was on the Calendar within two or three weeks after the beginning of the session. I desire to enter a motion to make that bill a special order after this. The Chair will permit that motion to be made and to go over with this.

Mr. RIDDLEBERGER. I must decline to yield any longer.\*

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. BLAIR. Will the Senator permit me to ask what order has been made, if any?

The PRESIDENT *pro tempore*. None at all.

Mr. HOAR. This is to be called up to-morrow, and I want my motion to go with it.

Mr. RIDDLEBERGER. I will yield simply to pass an order.

Mr. HOAR. I merely ask that my motion may be entered now, in order that it may be in order to-morrow to come up with this order.

The PRESIDENT *pro tempore*. The motion will be entered.

#### INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce, the pending question being on the amendment proposed by Mr. CAMDEN, in section 4, line 5, after the word "direction," to strike out the words "and from the same original point of departure."

Mr. RIDDLEBERGER. Mr. President, I do not propose to ask of the Senate more indulgence than is necessary (which I know they will be willing to grant) to explain the reasons for the vote which as a Senator I shall cast on the pending bill. In its importance to the people this bill transcends, perhaps, most of those we have had under consideration this session.

Similar measures have been pending in the two Houses of Congress

for the last six or eight years at least, and probably much longer. There is no measure before this Senate, and possibly none before the House of Representatives, which attracts more attention from the general public than this one to regulate interstate commerce.

I may be permitted to say here, too, that much of the discussion that has ensued upon this bill has not been of the kind that we had a right to expect from Senators. Too many stump speeches have been ingrafted into it. It is this which makes it quite proper for a Senator who proposes to vote upon it to give a why and wherefore.

Now, sir, if we leave in this bill those few words, "and from the same original point of departure," we do more, as the Senator from West Virginia has said, than legalize discrimination; we come in here at this time to approve and indorse the railroad jobbery and railroad robbery generally for the last fifty years, and particularly for the last twenty-five years. It is legalizing the very evil from which the people of this country have suffered at the hands of the railroad corporations.

Who is here to assert that shipments from terminal points are not carried frequently at losing rates? Who is here to assert that the intermediate shipper does not only have to pay a profit upon what he ships, but must make up the losses that accrue from reduced rates from terminal to terminal, and make up also the profits that ought to have accrued to the railroad company from those shipments?

This question has been argued here as if there were but two terminal points in the United States, the one being Chicago with her lakes, and the other New York. I can account for it to my own satisfaction very well. This might as well have been entitled a bill to coerce all shippers into sending their products to New York Harbor. There are other cities in this country; there are other harbors in this country; there are other towns in this country, and those who want to transport their products from one terminal point to another under this bill should know that there are more people living between these terminal points than there are at the termini which they propose to accommodate.

I want to illustrate the effects of this bill upon the State that I in part represent here. There are four lines of railroad, grand trunk lines of railroad, traversing three or four, and one of them five, States, passing through the State of Virginia. A man who does not know that this bill says they may ship from the terminal points south of us and can not discriminate between any freight that is shipped from that same point, and at the same time will not admit that this bill says that they may discriminate as against all freight shipped from any intermediate point, either is in ignorance of the bill, the terms of the bill, the spirit and the intention of it, or else he is representing a remote terminal and wants to transport his own products to the commercial centers of this country at cut rates.

If it had been the intention of the framers of this bill to deceive the Senate, they would not have put these seven words in it. Therefore, I must accord that they were honest to a degree, for they put in words that no man can misunderstand. You may ship from any point south of Virginia—a terminal point—you may land your cotton or other produce at a seaport as good as that of which New York boasts, and better, at any rate of freight that the railroads may fix from that point. You come to Lynchburg on one line of road, and they may fix even a higher rate from Lynchburg to Newport News or to Norfolk than that fixed upon that which started from the "original point of departure" south of Lynchburg.

You may take another line of railroad that passes through Virginia and North Carolina and on south, and ship from there, and the same discrimination may be made against Danville, Richmond, and any other intermediate point on that line of road. You may start from Kentucky over the Chesapeake and Ohio, and bring freight across the West Virginia line and land it at Staunton, and there charge from Staunton on down to deep water a higher rate on freight loaded there than that which the railroad company fixed upon the freight which was shipped from the "original point of departure" in Kentucky. If this be not true, then I ask any Senator on this floor to explain what these seven words mean?

I repeat, it is the greatest evil from which we have been suffering at the hands of corporations. It is legalizing in the great hereafter these discriminations against the producing people who live outside of a few cities where non-producing commission merchants thrive and elevators make a profit. It is discriminating against everybody who lives between terminal points or "original points of departure."

Why, sir, I will take the valley of Virginia and go on through to the Tennessee line, and I can demonstrate, or illustrate rather, just exactly what the President of this body said when he spoke to this same question the other day. There they charge the producing people along that line of road more per hundred, more per car, for what they carry even here into the city of Washington than they charge for the same carriage of freight over the same line of railroad under the same management from points three, four, five, six hundred miles west of the Ohio River. This bill says they shall have a right to do it, gives them the legal right to do it. The people who have been clamoring for legislative protection against this outrage and wrong are met here with a bill that contains seven words which say they may go on and do what they have done, and we will legalize it for all time to come.

That is this bill. What is the object of it? Is it to bring the States removed from here thousands of miles nearer to deep water, to the commercial centers, than those that are geographically located right around them? Is not that the object? Would you take one of the States or all the States that fed the millions of people of this country before the new ones were developed till their soil has been exhausted to a point where scarcely any profit comes from its cultivation, and bring these in competition with those of the older States that fed you when you were babies, and put the latter where they can not get to market with what they produce? That is what these seven words would do. They would simply say that any product from west of the Ohio or Mississippi Rivers should be put into market at a lower rate of freight than any product that might be grown in a State that is a thousand miles nearer the market. That can only be sustained on one ground, that there shall be no legislation here save and except in the interest of New York Harbor and the people of a few cities who live three thousand or more miles from it.

But, Mr. President, there is one section of this bill—if I may call it a section, for I believe the sections are not numbered, but it is on page 6, beginning at line 33—that has a peculiar significance just now, in view of the frequent allusions to the law of Massachusetts. I hear it is section 5. That section changes the common law and the statute law of nearly every State in this Union, fixing the liability of common carriers of freight. Are you ready for that? Gentlemen should sympathize largely with their own constituents. Here you take away from the States the little security they have provided for themselves. I never saw anything more adroitly drawn than that section, and I never would have noticed it but for the fact that an eminent Senator here, my colleague, called my attention to it not over half an hour ago. Here, it is set forth in terms that where there are joint tariff contract rates they may be published, or must be published, by the different corporations entering into those contracts. There is no provision for lines connecting where this joint tariff contract is not entered into. Suppose, then, you start on a railroad at one point and you encounter another, and then another, before you reach the harbor at which you want to unload your freight. What control have you over that middle line of railroad which you make no provision for in this section? It is free from all binding obligations under this that you call a law regulating interstate commerce. If there were three lines of railroad from Memphis to Norfolk, and you were to start a car-load of cotton from Memphis and land it upon this middle line and then again upon another, and there were no contracts between them, who is to say that either the middle line or that which had its terminus at Norfolk can not charge what it shall please?

Then comes the joint contract arranged between the railroad organizations of which the country shall know nothing and the commission shall be as ignorant of. I have heard it said not only on this floor but in general talk that the railroad men of this body want this bill to pass as it is. I am not surprised to hear it. If there be a railroad man here I say that I do not know it, and when I make the statement I only do it because I have heard these things said off this floor as arguments to influence votes—if there be a railroad man here, or a representative of railroad interests, one who so far forgets the representative duties of one who represents a constituency and not a railroad—ask him if he wants to vote against the amendment of the Senator from West Virginia? I would be willing to risk the issue on that if Senators who have made these declarations and who have talked about the question would just take their position on the amendment.

I said that this changed the common law and the statute law of the States. I should not expect an answer from either of the Senators from Massachusetts were I to put what I am going to say in interrogative form. I say that section 5 substantially repeals the statute of Massachusetts regulating the responsibilities of railroad carriers practically and effectually. For what this Congress proposes to do now it proposes to do in the exercise of a constitutional right, which is to override the rights of the States in the control and management of the corporations that do business across their territory.

Then there is a law, common as well as statute, which makes common carriers the insurers of freight and of passengers only where there is a wrongful act, neglect or default, on the part of the company or some of its employes. You can hold them responsible for injuries done not only to a man, but to a beast or to the products of the earth; they are held *prima facie* liable, and no testimony is taken in a court to prove more than that the property was destroyed, excepting the act of God and the public enemy. This bill gives corporations an opportunity to ignore that law entirely. I do not claim to be as old a practitioner as some of the Senators here, but I am not afraid to lay down the proposition that this section 5 does effectually what I say, and if you leave in these words you will have the support of every railroad president and railroad director in the United States.

Mr. President, I listened to the argument of the Senator from New York [Mr. MILLER], that there is a remedy for all these things in the first section. He pleads here all the time in confession and avoidance. He confesses the possibility of wrongs being committed under this bill, wrongs and outrages perpetrated under it, if it were not for this first

section, which provides for a commission to pass upon all cases of extortion—five commissioners, three of whom would be a majority. I could take the whole five if it were necessary for my purposes, but it is only necessary to take three; I can select three railroad magnates in this country who would take three of those commissioners and hang them on their watch-chains and display them for charms around the country.

When Senators fail to see, or refuse to see, the meaning of seven words in a bill of twenty-one pages, because they have a peculiar constituent interest to represent, and that being in antagonism to the interests of the people of the whole country, how can you expect much from five railroad commissioners whose pockets will be filled with passes and who will have permission to run over the roads and examine into the question of extortion? How long would they stop over here in Alexandria to determine whether there had been any discrimination between Atlanta and Washington, Atlanta being, as we suppose, an original point of departure? How long would your five commissioners stop at any point in Maryland to investigate whether there was any discrimination against that particular point on freight going to New York compared with that which was shipped from some extreme western starting station and called an original point of departure?

Your commissioners would know nothing but what they heard in the large cities. They would inquire for nothing else, and when men do not ask for information they never get it. The other side would possibly give them a little more than they would ask for, but they would always propound something in their own interest.

Mr. President, I started in simply to give the reasons why I shall vote for the amendment of the Senator from West Virginia. I think I have made myself understood on it, and I may hereafter give a reason why I shall not vote, why I can not vote for the bill with these seven words in it. I can not stand here and vote for a half dozen cities of this country, and ignore entirely all the people who work to produce, and who ask for nothing more than that they shall not be charged a higher rate of freight for a short haul than for a long one.

If this bill proposed to prorate I should hesitate, because I do not want to break down the railroad system of the country; but a bill which simply says that they shall not charge more for 100 miles than they do for a thousand I can vote for, and if the railroads be under honest management they can need no legislation and no laws to prohibit them from going beyond such an inhibition.

I say now, Mr. President, again, that my only purpose was to have it understood that I believe exactly what you said on this floor, that this bill as it stands legalizes discrimination against nine-tenths of the people of this country. I believe it is just such a bill as the railroads want. I believe it is just such a bill as the people of this country do not want, and that within twelve months after its enactment, if it should ever become a law, there are Senators on this floor who would possibly be reminded of what the late Stephen A. Douglas once said, that he traveled from New York to Chicago by the light of his own effigy.

It will take but a short time for the people to understand it. You may call it something to regulate interstate commerce. The title is high-sounding and in splendid phraseology. It is suggestive to the people, but when they see the effect of it then they will begin to wonder who wrote the title and inquire who voted for the bill.

Mr. CALL. Mr. President, this bill is the first step in the direction of restraint by law on the transportation system of the country. Competition has entirely failed to produce the end of reasonable and just rates between the various parts of the country, and I suppose there is no more universal demand, and never has been upon any subject, than that there shall be some regulation by law of the action of corporations in this direction. So far as I am concerned, and I believe the people generally, it is not in a spirit of hostility or want of appreciation of the necessities of these great instrumentalities of modern times, nor with any desire to take away from them a reasonable and even a liberal compensation for the services which they render and for the capital which is invested in them and for the labor which they employ, but they have become a power in the State, a power greater perhaps than that of the Government itself, their revenues aggregating far more than the revenues of the country with its great taxing power, and in many instances it has been exerted to the destruction of the interests of the different States and parts of States and of the business pursuits and the value of real estate.

The question which is raised by the amendment of the Senator from West Virginia is one that deserves the most careful consideration. I find in the report of the Committee on Interstate Commerce some very valuable facts. I find in the testimony of Mr. Norris in regard to the effect of pooling arrangements a very remarkable statement. Said that gentleman:

If you will permit, I desire to refer to one point which I have in mind in connection with Mr. Blanchard's statement the other day before your committee, that the farm lands in New York had increased from \$50 to \$300 an acre in some places, I think, and that as the result of the pooling arrangement the territory between Chicago and Omaha, which is subject to a very arbitrary pool, had grown enormously. I simply want to suggest the probability of this growth of territory between Chicago and Omaha being due not to the compactness of the pools but to the low charges for carrying grain from Chicago to the seaboard, while other sections east of Chicago, and especially east of the trunk line ter-

minally are forced to pay successive charges, thus placing the Chicago shipper nearer tide than the Pennsylvania farmer is. Coupled with the cheapness of the land, this would account for the emigration of our labor to that territory.

In the State of Pennsylvania in 1880, the farm lands as returned by the census report for that year had depreciated about 25 per cent. from the value per acre for 1870.

Senator MILLER. May not some or all of that be due to the fact that in 1870 gold was at a premium and in 1880 it was at par?

Mr. NORRIS. That would probably account for a greater part if it were not so that in the State of Pennsylvania, in 1870, the proportion of the farmers to the whole workers was one-fourth, so that each farmer had three other workers' families to provide for, while in 1880 the farmer had four other families to provide for, the non-agricultural population having increased from 75 per cent., in 1870, to 80 per cent., in 1880. Another evidence of that is the fact that taking the gold measure the agricultural production of the State of Pennsylvania in 1880 was \$22,000,000 less on a gold basis than in 1870; that is, assuming that in 1870 gold was at a premium of 25 per cent. and in 1880 it was at par. There is hardly a State in the Union which is better adapted for agricultural development than the State of Pennsylvania. It has been so cited in the reports of the Department of Agriculture, and for the reason of the large non-agricultural population which provided a home market for all of the domestic production.

The figures of our State board of agriculture indicate that in the single item of wheat, the State of Pennsylvania consumes 4,500,000 bushels of wheat more than it produces, and yet our production of wheat is falling off, although our acreage of improved land has increased, and while I will concede that to the non-agricultural population cheap bread in so far as it reduces the cost of living is a public benefaction, yet in the State of Pennsylvania that does not amount to more than five hundred and odd thousand dollars a year. I figure it up, on the statements which the Pennsylvania Railroad Company and the State board of agriculture had prepared, that in the item of grain we were saved \$522,000 a year, while to reimburse the railroad companies for their low charges on Western products which are sent to Europe we pay in the East, not Pennsylvania merely, but in the Eastern States, about \$17,000,000 a year, which is levied upon the local traffic to reimburse the railroad companies for losses on through traffic; and the tax which the Pennsylvania Railroad Company imposes on us according to my computation is \$4,800,000.

That illustrates very conclusively the effect upon the country of the railroad system and of the system of a higher price for a shorter distance than a longer one. Under the operation of the competition which has rendered that necessary, Pennsylvania has been discriminated against and the value of lands depreciated, the agricultural production diminished, and the agricultural population transferred farther west to the point of arbitrary competition. If that be the effect of any system it is a great power, a power which extends to the destruction of commercial values and to the arbitrary destruction of all the agricultural and commercial interests of a community.

How shall it be remedied? The bill declares, first, that there shall be no unjust charges; that is to say, no extravagant or unreasonable charges. It then provides that there shall be no discrimination in respect to persons as to charges, no advantages to one over another, and no discrimination in reference to opportunities, no preference of one person over another.

It then establishes as the principle and the means by which these ends shall be attained that there shall be no higher charge for a shorter distance than a longer one from the point of departure. It therefore assumes the power to regulate the charges. It declares that Congress has power to say how much a road shall charge for one distance or another.

This covers the whole subject, but the manner in which it does it is by providing that the system complained of in the testimony of Mr. Norris shall take effect, and that there shall be selected a point of competition, a point of departure, and that from that point, wherever it may be, all charges shall be subject to this rule that no more shall be charged for the shorter distance than for the longer one, no matter how much longer; it may be a thousand miles and the other may be but 1 mile.

Now, the Senator from West Virginia proposes to make that universal, and he proposes to say that it shall not be from the point of original departure, but that everywhere there shall be a principle that there shall be no more charged upon that line for a shorter distance than for a longer one, but that you may charge as much. This does not reach the evil; it is perhaps not in the direction of reaching it. It does, however, destroy the proposition that there shall be one favored point of original departure, and that upon that line this principle shall apply everywhere. Certainly it does not injure the people who live at the intermediate points that outside of their business there shall accrue to that road a revenue from some other source; it does not injure them that a line of road whatever may be the charges to them shall derive a revenue, an income from other sources of business than those which the local trade supplies. On the contrary, it reduces the aggregate expenses and enables the transporting line to do the local business at cheaper rates. There is no question about that.

But then it has been found that whatever may be the advantage in that respect the result did not happen that when in the power of the corporation its interest led it to exact from the local business the utmost charge that it would bear, and it is for the restraint of power that this law is intended. If corporations always did exactly that which was best for the people, leaving to themselves a reasonable profit, there would be no necessity for any law regulating interstate commerce.

The proposition made by the Senator from Wisconsin that this is depriving the extreme West or the extreme South, or any other point where there is competition of natural advantages, is untenable, for the reason that within the line of a longer and a shorter distance the mar-

gin is so great that you touch the point where there is no compensation at all to a railroad company. If they can not make a profit by applying the principle that you shall not charge more for a shorter than a longer distance they can not make a profit at all; they reach a point where no business can be done except at a loss, and when doing business at a loss of course there is no ground or possibility of competition with others.

Then, again, this is not a natural advantage; it is an arbitrary and an artificial one. If you apply the principle of allowing natural advantages you will establish a pro rata amount according to the distance anywhere along the line, and that would give to the points of greatest contiguity or proximity the natural advantage of shorter distance and of the smaller expense which those elements would demand.

Therefore it is not a question which can be regulated by natural advantages; it is a question which must be regulated upon other elements altogether, which are not contained in this bill. While I shall support the bill and commend it as a step in the direction which legislation must assume, that of regulating upon a reasonable basis in the interests of the railroad corporations themselves and of the people by allowing to them a reasonable compensation upon the necessary, the proper economical cost of construction of their property, upon the principle of strictly regulating the compensation to be derived from the business of their road by measuring it by this standard; while it is a step in that direction, acknowledging the power of Congress in respect to interstate commerce to regulate the rates of transportation, it fails, I think, in recognizing the principle that upon every railroad line, differing as they do in their connection, in the amount of their business, in the capacities of transportation which they may have, and in the costs of construction and operating expenses, the only just and compensating rate to all interests is to be ascertained by considerations based upon the amount of business and the cost of operation and construction. How far this is practicable, and by what means it may be effected, is the great question which is forced upon our consideration by the public necessities.

It should be allowed to the road to do all the business it can, whether it be from a distance or from its local business. However, the only just and equitable rate to be imposed upon that business is one which is measured by the revenues and by the gross and net earnings of the company as measured by its proper cost, leaving out of view that great evil which more than everything else places now one million of unemployed people upon this country, which more than anything else causes the terrible troubles of labor and the dissatisfaction between the laboring men and the employer, this fictitious stock, this watered bonded indebtedness, this unnatural value which has been placed on the railroads of the country in the shape of public securities to be paid by taxes upon the labor of the country in the shape of improper costs of transportation, of unnecessary and extravagant charges. It is very clear that the power of imposing a tax or charge on the production and business of a great country such as ours granted to railroad corporations is a franchise which may be made as oppressive and ruinous to the people as the most severe exercise of the power of taxation by the Government.

It is quite obvious to me that this is a step in the right direction, but it is only a step. It is quite clear that in the bill it is provided that no charge shall be unreasonable or unjust which is within the limit, that it shall not be greater for a shorter than it is for a longer distance. That is the standard provided in the bill, and the section which provides that charges shall be just and reasonable is in reference to this standard. That is what the bill says is just and equitable, that the charge shall not be greater for a shorter than for a longer distance. That is the measure of justice and equity, but yet, as I said, it is quite manifest to me from reading the provision here that this system of fixing a point of departure and requiring that there shall be no greater charge for a longer distance from that point, as is stated by Mr. Norris, is just the one that may work and will work to the injury of all intermediate points. It is a discrimination in favor of the point of departure; it is a fixing of a lower rate for that point than for any other; it leaves the intermediate route as was done in this case entirely within the control of the corporation. If we shall endeavor to equalize all parts of the country in respect to cost of transportation we shall find it an impossible task. We should find that other inequalities existed in respect of climate, soil, habits of labor, and other causes. Yet it remains true that in respect of transportation it is not right that intermediate communities should be made to pay the cost of transporting the productions of the terminal points at prices which enable them to undersell their own products.

For these reasons I shall support the amendment of the Senator from West Virginia.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. CAMDEN] on which the yeas and nays have been ordered.

Mr. McMILLAN. Let the amendment be read.

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

The CHIEF CLERK. In section 4, line 5, after the word "direction," it is proposed to strike out the words "and from the same original point of departure."

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I paired yesterday with the Senator from Connecticut [Mr. HAWLEY], who was compelled to be absent to-day. I do not know how he would vote on this question. I should vote "yea" if I were not paired. I leave it to his colleague to say how he would vote.

Mr. PLATT. I think my colleague would vote "nay."

Mr. COCKRELL. Then I shall not vote, but simply announce that I should vote "yea" if I were not paired.

Mr. COLQUITT (when his name was called). I am paired generally with the Senator from Rhode Island [Mr. CHACE] who is absent. I understand that the pair has been transferred, and I am therefore at liberty to vote. I vote "yea."

Mr. FAIR (when his name was called). I am paired with my colleague [Mr. JONES, of Nevada].

Mr. HEARST (when his name was called). I am paired with my colleague [Mr. STANFORD].

Mr. JONES, of Arkansas (when his name was called). The Senator from Indiana [Mr. HARRISON] was called away from the Chamber for a short time and I am paired with him. As I do not know how he would vote on this question I withhold my vote. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. CAMERON. I am paired on this question with the Senator from South Carolina [Mr. BUTLER]. If he were present, I should vote "nay" and he would vote "yea."

Mr. GEORGE. My colleague [Mr. WALTHALL] is paired on this question with the Senator from Wisconsin [Mr. SPOONER]. If my colleague were here, he would vote "yea."

Mr. ALDRICH. My colleague [Mr. CHACE] is absent from the Senate and is paired with the Senator from Georgia [Mr. COLQUITT]. If my colleague were present, he would vote "nay."

Mr. KENNA. I desire to add to the statement of the Senator from Rhode Island the further statement that the Senator from South Carolina [Mr. HAMPTON] was paired with the Senator from Oregon [Mr. MITCHELL]. As the Senator from Oregon desired to vote on this question the pair was transferred to the Senator from Rhode Island [Mr. CHACE], so that the Senator from South Carolina and the Senator from Rhode Island are paired on this question.

Mr. BOWEN. I understand that my pair with the Senator from South Carolina [Mr. HAMPTON] has been transferred, and in that case I am at liberty to vote. I vote "nay."

Mr. SPOONER (after having voted in the negative). I should like to ask the Senator from Mississippi [Mr. GEORGE] if he knows how his colleague [Mr. WALTHALL] would vote on this question?

Mr. GEORGE. He would vote "yea" on this proposition. He told me he was paired with you, and would vote "yea" if present.

Mr. SPOONER. Then I withdraw my vote.

Mr. CULLOM. The Senator from Maine [Mr. HALE] left the Chamber a while ago and announced to me that he was paired with the Senator from Kentucky [Mr. BECK], and that he would vote against the amendment if present.

Mr. BECK (after having voted in the affirmative). I thought the Senator from Maine was here. I asked him to pair with me when I left the Senate a little while ago to go to the other House. If he is not here I withdraw my vote; I am paired. I should vote "yea" and he would vote "nay" if he were present.

The result was announced—yeas 29, nays 24; as follows:

## YEAS—29.

Berry,	Fair,	Morgan,	Vance,
Blackburn,	George,	Morrill,	Vest,
Call,	Gorman,	Payne,	Voorhees,
Camden,	Gray,	Pugh,	Whitthorne,
Coke,	Harris,	Ransom,	Wilson of Md.
Colquitt,	Kenna,	Riddleberger,	
Conger,	Mahone,	Saulsbury,	
Eustis,	Maxey,	Sherman,	

## NAYS—24.

Aldrich,	Dolph,	McMillan,	Platt,
Allison,	Evarts,	McPherson,	Sabin,
Blair,	Frye,	Manderson,	Sawyer,
Bowen,	Hoar,	Miller,	Sewell,
Brown,	Jones of Nevada,	Mitchell of Oreg.,	Teller,
Cullom,	Logan,	Palmer,	Wilson of Iowa.

## ABSENT—23.

Beck,	Edmunds,	Hearst,	Plumb,
Butler,	Gibson,	Ingalls,	Spooner,
Cameron,	Hale,	Jones of Arkansas,	Stanford,
Chace,	Hampton,	Jones of Florida,	Van Wyck,
Cockrell,	Harrison,	Mitchell of Pa.,	Walthall.
Dawes,	Hawley,	Pike,	

So the amendment was agreed to.

Mr. WILSON, of Iowa. I desire to offer an amendment.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I hope the Senator will withdraw that motion for half an hour at least.

Mr. CAMERON. I think I shall have to insist on the motion.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of executive business.

Mr. HOAR. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 27; as follows:

## YEAS—32.

Beck,	Cockrell,	Harris,	Pugh,
Berry,	Coke,	Hearst,	Ransom,
Blackburn,	Colquitt,	Jones of Arkansas,	Saulsbury,
Brown,	Edmunds,	Kenna,	Vance,
Butler,	Eustis,	McPherson,	Vest,
Call,	Fair,	Maxey,	Voorhees,
Camden,	Gorman,	Morgan,	Whitthorne,
Cameron,	Gray,	Payne,	Wilson of Md.

## NAYS—27.

Aldrich,	Evarts,	Miller,	Sawyer,
Allison,	Frye,	Mitchell of Oreg.,	Sewell,
Blair,	Hoar,	Morrill,	Sherman,
Bowen,	Jones of Nevada,	Palmer,	Spooner,
Conger,	Logan,	Platt,	Teller,
Cullom,	McMillan,	Riddleberger,	Wilson of Iowa.
Dolph,	Manderson,	Sabin,	

## ABSENT—17.

Chace,	Hampton,	Mahone,	Van Wyck,
Dawes,	Harrison,	Mitchell of Pa.,	Walthall.
George,	Hawley,	Pike,	
Gibson,	Ingalls,	Plumb,	
Hale,	Jones of Florida,	Stanford,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 6, at 12 o'clock m.

## NOMINATIONS.

*Executive nominations received by the Senate the 5th day of May, 1886.*

## CONSUL.

Frederick Ellison, of Indiana, to be consul of the United States, at Asuncion, to fill a vacancy.

## POSTMASTERS.

John H. Hamilton, to be postmaster at Eureka Springs, Carroll County, Arkansas, *vice* Richard P. Pulliam, resigned.

Warren Woodson, to be postmaster at Red Bluff, Tehama County, California, *vice* John Clements, whose commission expires May 17, 1886.

David W. Clark, jr., to be postmaster at Valley City, Barnes County, Territory of Dakota, *vice* Christian Anderson, removed.

Calvin Goodman, to be postmaster at Reading, Berks County, Pennsylvania, *vice* George K. Whitner, whose commission expires May 31, 1886.

T. C. McConnell, to be postmaster at Brownwood, Brown County, Texas, *vice* Marion Mullins, removed.

Deville L. Harkness, to be postmaster at Berlin, Green Lake County, Wisconsin, *vice* Griffith J. Thomas, commission expired.

William H. Torrey, to be postmaster at Foxborough, Norfolk County, Massachusetts, *vice* Charles H. Briggs, commission expired.

William R. Dodge, to be postmaster at Gouverneur, Saint Lawrence County, New York, *vice* Horace G. Reynolds, resigned.

James Halligan, to be postmaster at Canajoharie, Montgomery County, New York, *vice* Mrs. Elizabeth Smith, whose commission expires May 16, 1886.

Horatio S. Tryon, to be postmaster at Weedsport, Cayuga County, New York, *vice* Sylvester Wright, commission expired.

## PROMOTIONS IN THE ARMY OF THE UNITED STATES.

*Twenty-fourth Regiment of Infantry.*

First Lieutenant John L. Bullis, to be captain, April 29, 1886, *vice* Clous, appointed judge-advocate, with the rank of major.

Second Lieutenant Alfred M. Palmer, to be first lieutenant, April 29, 1886, *vice* Bullis, promoted.

## CONFIRMATION.

*Executive nomination confirmed by the Senate May 5, 1886.*

## TERRITORIAL GOVERNOR.

C. Meyer Zulick, of Tombstone, Ariz., to be governor of Arizona Territory.

## REJECTION.

*Executive nomination rejected by the Senate April 29, 1886.*

Charles R. Pollard, of Indiana, nominated to be associate justice of the supreme court of the Territory of Montana.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 5, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read.

Mr. CUTCHEON. Mr. Speaker, I rise to make a correction of the Journal in regard to the action last night on House bill No. 1171, providing for the muster and pay of certain officers and enlisted men of the volunteer forces. The Journal states that the bill was withdrawn. By the RECORD it is shown that it was not withdrawn, but was laid aside by consent to retain its place on the Calendar.

It will be found in the RECORD on page 4170, as follows:

Mr. BRAGG. I ask unanimous consent that this bill may be laid aside.

The SPEAKER. The Journal will be corrected. It makes, of course, very considerable difference whether the bill was merely laid aside or withdrawn. The Journal will be corrected so that it will read that the bill was laid aside to retain its place upon the Calendar. The remainder of the Journal was then read and approved.

## ARMAMENT OF NEW STEEL CRUISERS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting, with an inclosure, an estimate from the Secretary of the Navy of an appropriation to supply deficiency for the armament of new steel cruisers; which was referred to the Committee on Appropriations, and ordered to be printed.

## FORT HAMILTON, NEW YORK.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Secretary of War for the purchase of additional ground at Fort Hamilton, New York Harbor; which was referred to the Committee on Military Affairs, and ordered to be printed.

## MINT BUILDING, NEW ORLEANS, ETC.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting, with inclosures, letters from the Supervising Architect relative to the cost of repairs of the mint building, New Orleans, La., and of the old portion of the custom-house, Buffalo, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

## MARINE HOSPITAL.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a communication from the Supervising Architect urging the immediate appropriation of \$10,000 for repairs and preservation of the marine hospital; also referring to estimate heretofore submitted for repairs and preservation of public buildings for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

## SANITARY IMPROVEMENTS, TREASURY BUILDING.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting, with accompanying reports, a letter from the chief clerk of that Department, submitting an estimate of an appropriation to place the building of the Department in proper sanitary condition; which was referred to the Committee on Appropriations, and ordered to be printed.

## TERRITORIAL LAWS, UTAH.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a letter from the secretary of the Territory of Utah, inclosing copies of the laws of that Territory enacted at the last session of its Legislative Assembly; which was referred to the Committee on the Territories.

## WITNESSES' MILEAGE, ETC., IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting, with inclosure, a letter from the United States attorney for New Mexico relative to the inadequacy of witnesses' mileage and per diem compensation; which was referred to the Committee on Expenditures in the Department of Justice.

## WILLIAM LAVERY VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, transmitting a copy of the findings of fact in that court in the case of William Lavery vs. The United States; which was referred to the Committee on War Claims.

## SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were read twice, and referred to the appropriate committees, as follows:

A bill (S. 304) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama—to the Committee on Claims.

A bill (S. 433) to provide for the payment of the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army—to the Committee on War Claims.

A bill (S. 542) for the relief William Erwin—to the Committee on War Claims.

A bill (S. 972) for the relief of Thomas P. Morgan, jr.—to the Committee on Claims.

A bill (S. 1258) for the relief of Mary A. Lewis, widow of Joseph N. Lewis—to the Committee on Claims.

A bill (S. 2136) for the relief of Edward Fenlon—to the Committee on Claims.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

## LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. GALLINGER, for ten days, on account of sickness in his family.

To Mr. SCRANTON, for four days, on account of important business.

## WITHDRAWAL OF PAPERS.

On motion of Mr. SAYERS, by unanimous consent leave was granted to withdraw from the Committee on Military Affairs papers filed in connection with House bill 7183.

## COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. THOMAS R. HUDD, of Wisconsin, as a member of the Committee on Commerce, to fill the vacancy occasioned by the resignation of Mr. Joseph Pulitzer.

## GENERAL-SERVICE ARMY CLERKS.

Mr. BRAGG. I ask unanimous consent to make a verbal correction in an amendment to the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army which was passed by the House last evening.

The Clerk read the proposed amendment, as follows:

In line 13, in the second section, strike out the words "class one" and insert "class three."

The SPEAKER. If there be no objection, the correction will be made. There was no objection.

## ESTATE OF JAMES G. WINTERSMITH.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives, and that the House consider the same.

The joint resolution was read, as follows:

Resolved, &c., That the Clerk of the House be, and he is hereby, authorized to pay, and the accounting officers of the Treasury to pass the said account, to the legal representatives of the late James G. Wintersmith, late Doorkeeper of the House of Representatives, one year's salary as Doorkeeper of the House of Representatives, and also the expenses of the last sickness and burial of the said Wintersmith.

The Committee on Accounts recommended the following amendment:

In line 9, before the word "burial," insert the words "expenses of." After the word "burial" insert the words "not exceeding five hundred dollars for said burial."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. BRECKINRIDGE, of Kentucky. I send to the desk the report by the Committee on Accounts. I desire to make this single statement as a reason for calling up the resolution this morning. Major Wintersmith, the father of the late Doorkeeper, since that report was made by the committee, has lost his wife and on yesterday his only remaining son and child. It seemed to me not inappropriate that the House this morning might give to the stricken man, who is now old and poor as well as widowed and childless, the passage of this bill as a sort of message of condolence. I ask that the bill be put upon its passage.

The amendments recommended by the committee were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Kentucky, moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## HEIRS OF JEROME S. RIDLEY.

Mr. IKE H. TAYLOR. I present a privileged report from the Committee on Accounts. I am directed by the committee to report back with amendments the resolution which I send to the desk.

The Clerk read the resolution, as follows:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House, to Jennie Caruthers and Henrietta Ridley, children and heirs of Jerome S. Ridley, late an employé of the House, a sum equal to his salary for six months, and also the necessary funeral expenses, not to exceed \$250.

The amendments recommended by the committee were read, as follows:

In the last line of the resolution strike out the words "necessary funeral." Insert after the word "expenses" the words "of his last illness and funeral."

Mr. IKE H. TAYLOR. I ask for the reading of the report.

The report was read, as follows:

That the Committee on Accounts, having had under consideration the accompanying resolution, report the same back with the following amendment: In the fifth line, strike out the words "necessary funeral" and insert, after the word "expenses," the words "of his last illness and funeral" with a recommendation that it do pass. The deceased was clerk of the Committee on Private Land Claims, having been appointed on the 11th day of January, 1886, and was a very faithful and intelligent employé. He died quite suddenly on the 6th day of April, 1886, leaving no estate. His children, named in the resolution, were dependent upon him for their support. The allowance proposed to be made by this resolution is the usual allowance made by the House in case of the death of any of its employés. There is a long line of precedents without a single interruption in support of the passage of the resolution.

The amendments recommended by the committee were agreed to.

The resolution as amended was adopted.

Mr. IKE H. TAYLOR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I ask unanimous consent to take from the Private Calendar, for immediate consideration, Senate bill 632, to provide for the settlement of the estates of the deceased Kickapoo Indians in the State of Kansas, and for other purposes.

The SPEAKER. The gentleman from Kansas [Mr. MORRILL] asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill indicated by him, and to consider the same. The bill will be read, after which the Chair will ask for objections.

The bill was read at length.

Mr. MORRISON. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded, which is equivalent to an objection.

Mr. WILLIS. Mr. Speaker—

The SPEAKER. The Chair finds upon the House Calendar a bill to authorize the Secretary of the Interior to issue duplicates of certain land warrants lost while in possession of officers of the Government. The bill has evidently gone to the House Calendar by mistake. As a private bill it clearly belongs to the Private Calendar, and the change will be made.

Mr. WILLIS. Mr. Speaker, by the prior order of the House, this day and this evening have been set apart for business to be presented by the Committee on Military Affairs. Upon consultation with them and with their consent, I ask unanimous consent of the House that to-morrow and to-morrow evening be substituted for this day and evening for the consideration of that business; my purpose being to get a vote to-day on the river and harbor bill.

Mr. BEACH. I object to that. To-morrow is assigned for the consideration of the electoral count bill.

Mr. WILLIS. The electoral count bill is subject to the river and harbor bill.

Mr. CALDWELL. Mr. Speaker, I desire, if possible, to insure the consideration of the electoral count bill either to-morrow or the next day. Friday I know is private bill day, and I desire if I can to get unanimous consent to go on with the consideration of the electoral count bill to-day, as I am informed by the chairman of the Committee on Rivers and Harbors that it is possible we may get through with his bill to-day in time to let us take up and secure at least the partial consideration of the electoral count bill. I do not wish to interpose any objection in the way of the river and harbor bill, and I ask the gentleman from New York [Mr. BEACH] to withdraw his objection, but I trust that we can make an arrangement which will insure the consideration of the electoral count bill to-day after the river and harbor bill.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that the order for this day and evening, the consideration of bills reported from the Committee on Military Affairs, be postponed until to-morrow and to-morrow evening.

Mr. BEACH. I object.

#### REPORTS OF BUREAU OF ANIMAL INDUSTRY.

Mr. BARKSDALE. Mr. Speaker, I desire to present a privileged report from the Committee on Printing.

The SPEAKER. The report will be read.

The report was read. [It is printed below.]

Mr. RANDALL. Mr. Speaker, how does this come before the House?

The SPEAKER. It is a report from the Committee on Printing in relation to printing for the use of the two Houses of Congress.

Mr. RANDALL. I would like to say to the gentleman from Mississippi [Mr. BARKSDALE] that the Committee on Appropriations have

received a communication from the Public Printer touching this matter. I understand the report relates to animal industry.

Mr. BARKSDALE. The report is in reply to an inquiry which the Committee on Printing was directed to make in reference to the report on animal industry.

Mr. RANDALL. I thought it had reference to that matter.

The SPEAKER. The question is on agreeing to the report.

The report was adopted.

The SPEAKER. The report and the accompanying papers, which the Chair supposes furnish the information desired by the House, will be printed.

Mr. BARKSDALE. I ask that the report and the papers be read, in order that they may go into the RECORD.

The SPEAKER. That will not take them into the RECORD.

Mr. BARKSDALE. Then I ask unanimous consent that they be printed in the RECORD.

The SPEAKER. They will be printed as adopted in the usual form of committee reports.

Mr. BARKSDALE. But I wish them to go into the RECORD, and I ask unanimous consent that they be printed there.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the report just submitted by him from the Committee on Printing, with the accompanying papers, be printed in the RECORD.

There was no objection, and it was so ordered.

The report and accompanying papers are as follows:

#### IN THE HOUSE OF REPRESENTATIVES, May 4, 1886.

Mr. BARKSDALE, from the Committee on Printing, submitted the following; which was agreed to:

"Whereas a joint resolution of the Congress of the United States, approved July 5, 1884, directed the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry, 10,000 copies of which were for the use of the Senate and 35,000 for the use of the House of Representatives; and

"Whereas it is stated that only 2,000 copies of said report have been delivered to the Senate and only 285 have been delivered to the House of Representatives, and that no delivery has been made to either branch for about a year: Therefore, Resolved, That the Committee on Printing be, and are hereby, instructed to inquire into the cause of this delay and to report by bill or otherwise."

Attest:

JNO. B. CLARK, Jr., Clerk.

Mr. BARKSDALE, from the Committee on Printing, submitted the following report:

The Committee on Printing, to whom was referred the accompanying resolution of inquiry relating to the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry, ordered by resolution dated July 5, 1884, and stating that only a limited number of the copies of the report so ordered had been delivered, have had the same under consideration, and beg leave to submit the following communication from the Public Printer explaining the cause of the delay in printing the whole number and exonerating him from neglect of duty in executing the order. The committee therefore, in view of the facts stated, ask to be discharged from the further consideration of the said resolution, and that the same be laid on the table:

#### OFFICE OF PUBLIC PRINTER, Washington, D. C., May 4, 1886.

SIR: Your letter of this date, inclosing the following resolution adopted by the House of Representatives, has been received:

#### "IN THE HOUSE OF REPRESENTATIVES, May 3, 1886.

"Whereas a joint resolution of the Congress of the United States, approved July 5, 1884, directed the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry, 10,000 copies of which were for the use of the Senate and 35,000 for the use of the House of Representatives; and

"Whereas it is stated that only 2,000 copies of said report have been delivered to the Senate and only 285 have been delivered to the House of Representatives, and that no delivery has been made to either branch for about a year: Therefore, Resolved, That the Committee on Printing be, and it is hereby, instructed to inquire into the cause of this delay and to report by bill or otherwise."

In answer thereto, I beg to say that Congress ordered 50,000 copies of the first report on Animal Industry, but failed to make the necessary special appropriation with which to execute the order. Such being the case, the cost must necessarily be charged to the general appropriation for Congress.

The general appropriation for the present fiscal year was reduced \$250,000 below the previous appropriation for long session and \$426,107 below the estimates of this office.

The press facilities of this office are not sufficient to do all the printing ordered, and work on a number of reports was necessarily postponed, among them this one. With the reduced appropriation the presses can not run extra, and I have been compelled, first, to provide the current work for Congress and the Departments and print such reports as could be reached thereafter.

I did print a small edition for the accommodation of the Department of Agriculture (as in several other cases) and the deliveries were as follows: Senate, 2,516; Department of Agriculture, 4,833; House, 472.

The circular issued by the honorable Commissioner of Agriculture which you send me contains one paragraph which needs an explanation. He says:

"I deem it my duty to state these facts in order to relieve this department of any responsibility for what seems to be an unreasonable and unwarranted delay in the delivery of a report which Congress provided for nearly two years ago."

It is true that Congress did order this work printed, but it is equally true that no special appropriation was made therefor; hence it will be observed that the Commissioner's statement that "Congress provided for" its publication is misleading and calculated to do this office an injustice, which of course was unintentional.

The Public Printer intends to comply with the law and will not exceed appropriations, and if orders are made for which no special appropriation is provided, such printing must inevitably wait until it can be reached from the general appropriation for Congress.

In conclusion, therefore, I beg to say that the first report on animal industry has not been completed, because:

First. No special appropriation was made for its publication, as was the case of the second annual report of the same work; and

Second. The general appropriation was reduced \$250,000 compared with the previous long session, and \$426,107 less than the estimates for the year (being the same amount as was provided for the short session of Congress with four months' less expenditures for the CONGRESSIONAL RECORD and other current Con-

gressional work), which, with the limited press facilities, made it absolutely necessary to postpone printing the first report.

It should be remembered that a certain sum of the general appropriation is allotted for the various Executive Departments, and that the current printing for the daily use of Congress and its committees must have precedence over all annual and other reports. The reduction of the appropriation without a corresponding reduction of the orders for printing inevitably leads to the postponement of the work.

I have been very much embarrassed by this state of affairs, and have endeavored to oblige Congress and all the Departments of the Government. Instead of a reduction of printing, the demands upon this office during this session are much larger than ever before.

Very respectfully,

S. P. ROUNDS, *Public Printer.*

Hon. E. BARKSDALE,  
*Chairman Committee on Printing,  
House of Representatives.*

#### ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HERBERT. I ask unanimous consent that the regular call of committees for reports be dispensed with, and that the Chair recognize such gentlemen as desire to submit reports.

The SPEAKER. If there be no objection, that order will be made. There was no objection.

#### BUSINESS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. HERBERT, from the Committee on Naval Affairs, reported back favorably a House resolution fixing a day for the consideration of business from the Committee on Naval Affairs; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### INCREASE OF NAVAL ESTABLISHMENT.

Mr. HERBERT, from the Committee on Naval Affairs, also reported back favorably a House resolution fixing a day for the consideration of the bill (H. R. 6664) to increase the naval establishment; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### GEOLOGICAL SURVEY.

Mr. HERBERT. I am instructed by the Joint Commission on the Signal Service, Geological Survey, &c., to report, as a substitute for the bill H. R. 8320, recently reported, a bill restricting the work and publications of the Geological Survey, and for other purposes. This proposed substitute is accompanied with a written report giving the reasons in favor of the measure. The committee will make a further report in a few days.

The SPEAKER. Does the gentleman propose to report a substitute for a bill already reported?

Mr. HERBERT. For a bill already reported.

The SPEAKER. The Chair knows of no practice which authorizes that proceeding. The substitute is a mere amendment, and can be offered by authority of the committee when the bill comes up.

Mr. HERBERT. I ask then unanimous consent that this proposed substitute, with the accompanying report, be printed.

The SPEAKER. If there be no objection that order will be made.

Mr. RANDALL. This substitute and report I understand relate to the Geological Survey?

Mr. HERBERT. The Geological Survey. As I have stated, the committee will soon make report on the other matters which they have had under consideration.

Mr. RANDALL. What may we understand by the word "soon?"

Mr. HERBERT. We hope to report during the present week.

The SPEAKER. In the absence of objection the order for printing as requested by the gentleman from Alabama will be made.

#### FREE-DELIVERY SYSTEM.

Mr. DOCKERY, from the Committee on the Post-Office and Post-Roads, reported back with amendment the bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

#### CHANGES OF REFERENCE.

On motion of Mr. ELDREDGE, by unanimous consent the Committee on Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Invalid Pensions:

A bill (S. 1570) granting a pension to Mary Ann Vars; and  
A bill (H. R. 1571) granting a pension to Abbie M. Hay.

#### ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6556) to remove the charge of desertion from the record of Henry Ellis;  
A bill (H. R. 3062) for the relief of James Cunningham;  
A bill (H. R. 4548) to authorize the President to commission and re-

tire from active service John R. Bailey, acting assistant surgeon United States Army, in the grade of major and surgeon United States Army;

A bill (H. R. 6524) to appoint Charles V. Petteys an assistant surgeon on the retired-list of the United States Army;

A bill (H. R. 4666) for the relief of the heirs of Christopher Cott;

A bill (H. R. 2597) for the relief of G. W. McCullough;

A bill (H. R. 6594) for the relief of Martha Smith;

A bill (H. R. 2314) for the relief of Francis M. Kirby, and to amend his military record;

A bill (H. R. 6198) to remove the charge of desertion against David Croys;

A bill (H. R. 3072) to remove the charge of desertion from the record of Wade H. Newman;

A bill (H. R. 6636) for the relief of Manley B. Edmunson;

A bill (H. R. 5072) to correct the muster-roll of Company B, Fortieth Ohio Volunteer Infantry, as to the name of Jesse N. Oren, late orderly sergeant of said company;

A bill (H. R. 6209) for the relief of George A. Cassidy; and

A bill (H. R. 6555) to remove the charge of desertion from the record of Jonathan C. Grumbling.

#### GEORGE LEMON.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 5056) for the relief of George Lemon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

#### WILLIAM N. CANADAY.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 6712) for the relief of William N. Canaday; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

#### ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, reported back the bill (H. R. 6302) authorizing the Adjutant-General of the United States to place the name of Frederick B. Barnes on the muster-roll, &c.; which was laid upon the table, and the accompanying report ordered to be printed.

#### FREDERICK B. BARNES.

Mr. BRAGG, from the Committee on Military Affairs, also reported, as a substitute for the bill H. R. 6302, a bill (H. R. 8591) directing the Secretary of War to cause the name of Frederick B. Barnes to be entered as a private on the muster-roll of Company I, Seventh Tennessee Cavalry, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 6302 was laid on the table.

#### CORRECTION OF RECORDS, ETC.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably the following resolution; which was referred to the House Calendar:

*Resolved,* That the order of business for Friday evening sessions be enlarged so as to include private bills from the Military Committee, correcting the records of private soldiers and officers, but not to include any bill for the restoration of an officer to the Army or the giving any increased pay or rank to any officer in the Army or upon the retired-list.

#### MILLING-SHOP, SPRINGFIELD ARMORY, MASSACHUSETTS.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 7724) for the erection of a milling-shop at the national armory, Springfield, Mass.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### CHANGE OF REFERENCE.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 8008) for the relief of John T. Bandy, and the same was referred to the Committee on Military Affairs.

On motion of Mr. MATSON, the Committee on Invalid Pensions was also discharged from the further consideration of the bill (S. 570) for the relief of Jabez Burchard, and the same was referred to the Committee on Claims.

#### LYDIA HADLOCK.

Mr. WOLFORD, from the Committee on Pensions, reported back favorably the bill (H. R. 1142) granting a pension to Lydia Hadlock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ADVERSE REPORT.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back the bill (H. R. 6011) to authorize the Secretary of War to credit the State of Kansas with certain sums for ordnance and ordnance stores issued to said State, and for other purposes; which was laid on the table and accompanying report ordered to be printed.

#### ORDNANCE FOR STATE OF KANSAS.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported, as a substitute for the bill H. R. 6011, a bill (H. R. 8592) to

authorize the Secretary of War to credit the State of Kansas with certain sums for ordnance and ordnance stores issued to said State, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## ADVERSE REPORTS.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

- A bill (H. R. 6385) for the relief of G. W. Hewitt;
- A bill (H. R. 4248) to place the name of John G. Orr on the rolls of Company A, Seventy-eighth Regiment Pennsylvania Volunteers;
- A bill (H. R. 6398) for the relief of Andrew J. Woodside;
- A bill (H. R. 6445) for the relief of William Reed;
- A bill (H. R. 6089) for the relief of Lewis A. Treen from the charge of desertion;
- A bill (H. R. 6696) for the relief of Albert Hill;
- A bill (H. R. 2706) for the relief of Ann Annis;
- A bill (H. R. 5850) for the relief of Jacob Winner;
- A bill (H. R. 5754) to remove the charge of desertion from the record of Russell S. Thurston; and
- A bill (H. R. 6300) to remove the charge of desertion against Thomas Carey and to place his name on the pension-roll.

## LEWIS A. TREEN.

On motion of Mr. ELY, by unanimous consent the bill (H. R. 6089) to relieve Lewis A. Treen from the charge of desertion, reported back adversely, was taken from the table and referred to the Committee of the Whole House on the Private Calendar.

## ADVERSE REPORT.

Mr. DARGAN, from the Committee on Military Affairs, reported back adversely the bill (H. R. 6110) providing for the repair of the road leading from Vicksburg to the national cemetery heretofore constructed by the United States; which was laid on the table, and the accompanying report ordered to be printed.

## VICKSBURG NATIONAL CEMETERY ROAD.

Mr. DARGAN, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 8593) for the repair and preservation of the road heretofore constructed by the Government leading from Vicksburg to the national cemetery adjacent thereto; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## ADVERSE REPORT.

Mr. HALE, from the Committee on Indian Affairs, reported back adversely the bill (H. R. 7243) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway Company, and for other purposes; which was laid on the table, and the accompanying report ordered to be printed.

## CHICAGO, KANSAS AND NEBRASKA RAILWAY COMPANY.

Mr. HALE, from the Committee on Indian Affairs, also reported, as a substitute for the bill H. R. 7343, a bill (H. R. 8594) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway Company, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## MRS. HONORA V. LYONS.

Mr. HOWARD, from the Committee on Claims, reported back with an amendment the bill (H. R. 4481) for the relief of Mrs. Honora V. Lyons; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ALEXANDER FALCONER.

Mr. STRUBLE, from the Committee on Pensions, reported back favorably the bill (H. R. 6443) granting a pension to Alexander Falconer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## JAMES ROBINSON.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7169) to grant a pension to James Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

- A bill (H. R. 7731) for the relief of Rufus G. Ammons; and
- A bill (H. R. 7992) to place the name of Stephen Rice on the pension-roll.

## FRANCIS HAMMOND.

Mr. FLEEGER, from the Committee on Claims, reported back with favorable recommendation the bill (H. R. 1886) for the relief of Francis Hammond; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ADVERSE REPORT.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with adverse recommendation the bill (H. R. 7700) granting an increase of pension to John R. Poe; which was ordered to be laid on the table, and the accompanying report printed.

## NIRA D. GWYNNE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with Senate amendments the bill (H. R. 1361) giving a pension to Nira D. Gwynne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ADVERSE REPORTS.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

- A bill (H. R. 7337) granting a pension to Philemon B. Purvis; and
- A bill (H. R. 5713) granting a pension to Mary F. Wright.

## CHANGE OF REFERENCE.

On motion of Mr. PINDAR, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 7766) granting a pension to Patrick Haney; and the same was referred to the Committee on Pensions.

## B. B. CONNOR.

Mr. RICHARDSON, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 7265) for the relief of B. B. Connor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ADVERSE REPORTS.

Mr. RICHARDSON, from the Committee on War Claims, also reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

- A bill (H. R. 842) for the relief of Sebastian Heeter; and
- A bill (H. R. 510) for the relief of Samuel Ayres.

## CHANGES OF REFERENCE.

On motion of Mr. RICHARDSON, the Committee on War Claims was discharged from the further consideration of the bill (H. R. 7817) for the relief of the heirs of R. R. Black; and the same was referred to the Committee on Claims.

On motion of Mr. HAYNES, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 6317) for the relief of Newell C. Langley; and the same was referred to the Committee on War Claims.

## ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

- A bill (H. R. 1461) granting a pension to Lisetta W. Spaulding;
- A bill (H. R. 4582) for the relief of Alice Chapman;
- A bill (H. R. 7947) for the relief of John Adams; and
- A bill (H. R. 6962) granting a pension to Charles E. Blake.

## REBECCA ROBERTS.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8111) granting a pension to Rebecca Roberts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## CATHARINE REISINGER.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5950) granting a pension to Catharine Reisinger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ELIHU JONES.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 823) granting a pension to Elihu Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## EMILY B. BAKER.

Mr. NEECE, from the Committee on Invalid Pensions, reported

back with a favorable recommendation the bill (H. R. 1580) for the relief of Emily B. Baker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PAY OF CHICAGO CUSTOM-HOUSE EMPLOYÉS.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with amendments the bill (H. R. 3031) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with amendments the bill (H. R. 3034) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF OF CERTAIN GAUGERS, ETC.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 7785) for the relief of certain gaugers and other internal-revenue employés who have been assigned to duty and have rendered services before the date of their qualification; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DAVID W. LOW.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 5651) for the relief of David W. Low; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES W. GOODRICH.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with an amendment the bill (H. R. 5652) for the relief of James W. Goodrich; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

WILLIAM J. SMITH.

Mr. NEAL, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4275) for the relief of William J. Smith, late collector of customs for the port of Memphis, State of Tennessee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HIRAM W. HUBBARD.

Mr. NEAL, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 320) for the relief of Hiram W. Hubbard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY AYRES.

Mr. GALLINGER (by Mr. NEAL), from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 536) for the relief of Henry Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. THORNE.

Mr. SPRINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 7708) for the relief of William P. Thorne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of bills of the following titles, and they were referred to the Committee on War Claims:

A bill (H. R. 6702) for the relief of the personal representative of William Dufour, deceased;

A bill (H. R. 3744) for the relief of the Citizens' Bank of Louisiana;

A bill (H. R. 7713) for the relief of the Citizens' Bank of Louisiana;

A bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, the Rev. Worcester Willey, and Esther Smith.

WILLIAM D. WILSON.

Mr. PERRY, from the Committee on War Claims, reported a bill (H. R. 8595) for the relief of William D. Wilson, of Vicksburg, Miss.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

B. S. JAMES.

Mr. DOUGHERTY, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3671) for the relief of

B. S. James; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BEAUFORT LEE AND OTHERS.

Mr. DOUGHERTY, from the Committee on Claims, also reported a bill (H. R. 8596) for the relief of Beaufort Lee and others; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY NEAL.

Mr. DOUGHERTY, from the Committee on Claims, also reported a bill (H. R. 8597) for the relief of Henry Neal; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. FREDERICK, from the Select Committee on the Alcoholic Liquor Traffic, reported back with an adverse recommendation the bill (S. 182) to provide for a commission on the subject of the alcoholic liquor traffic.

Mr. DINGLEY. I ask that this bill be referred to the Committee of the Whole House on the state of the Union.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

SECTION 3314, REVISED STATUTES.

Mr. MORRISON, from the Committee on Ways and Means, reported, as a substitute for the bill H. R. 8579, a bill (H. R. 8598) to so further amend section 3314 of the Revised Statutes, as amended, as to strike out and repeal so much thereof as allows to collectors of internal revenue commissions on taxes collected on distilled spirits; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed. The bill H. R. 8579 was laid on the table.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (S. 1367) granting an increase of pension to Catherine Doyle;

A bill (H. R. 6472) granting a pension to Anton Eberlein;

A bill (H. R. 3634) granting a pension to Mrs. Annie Evans; and

A bill (H. R. 5419) for the relief of Benjamin F. Taylor.

SAINT LUKE'S EPISCOPAL PARISH, KALAMAZOO.

Mr. HISCOCK, from the Committee on Ways and Means, reported back with an amendment the bill (H. R. 8188) to admit free of duty a certain lecture for the use of the Saint Luke's Episcopal church, in the parish of Kalamazoo, Mich.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ENTRY OF DISTILLED SPIRITS.

Mr. HARRIS, from the Committee on Ways and Means, reported back with an amendment the bill (H. R. 7140) to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses, and the withdrawal of the same therefrom, and for payment of tax thereon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. If there are no other reports, the next business in order is the consideration of bills reported from the Committee on Military Affairs.

VETERAN BOUNTIES.

Mr. BRAGG. I call up bill (H. R. 7895) for the relief of certain officers of the volunteer Army, and for other purposes.

The bill was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all soldiers of the late war who re-enlisted as veteran volunteers, and afterward were discharged to receive promotion and receive commissions as officers in the Army, shall be paid all installments of veteran bounty which were withheld from them on account of their being so commissioned and mustered, the same as they would have been entitled to receive had they completed their term of enlistment without promotion and received an honorable discharge: *Provided,* That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge: *Provided further,* That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

SEC. 2. That all advance payments of bounty, or balances of the same, which were deducted from the pay of either class of enlisted men herein referred to, by reason of their having been discharged for promotion, after having re-enlisted as veterans, or without re-enlistment and prior to a service of two years, shall be repaid to such as are entitled thereto by the provisions of this act; and in case of the death of the officer or soldier entitled to the benefits of this act, the amount of money found due him shall be paid to his widow, heirs, or legal representatives; and the Secretary of the Treasury be, and he is hereby, author-

ized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sums due in each individual case.

Sec. 3. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. BLAND. Mr. Speaker, that bill ought to go to the Committee of the Whole.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] makes the point of order that this bill should receive its first consideration in Committee of the Whole on the state of the Union. The Chair thinks the point of order well taken.

Mr. BRAGG. The gentleman from Nebraska [Mr. LAIRD] has charge of the bill.

Mr. LAIRD. Mr. Speaker, I move to discharge the Committee of the Whole from the further consideration of this bill, and that it be considered in the House.

The SPEAKER. The Chair thinks that, under the rule, the bill must receive its first consideration in Committee of the Whole. The gentleman can not make the motion as stated by him, but he can ask unanimous consent to have the bill considered in the House.

Mr. LAIRD. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of this bill.

The motion was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering the bill the title of which will be read.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes.

Mr. LAIRD. Mr. Chairman, it is not the desire of the Military Committee to provoke unnecessary discussion upon this measure, and I will endeavor to confine myself to a brief statement in explanation of the bill. Those of the House who served in the Army of the United States during the late war are aware that in 1863, under General Order 191 of the War Department, all soldiers who had served two years and over were invited by the Government to re-enlist, and one of the inducements to re-enlist was set forth in paragraph 3 of that order, which I now read:

Every volunteer enlisted and mustered into the service as a veteran under this order shall be entitled to receive from the United States one month's pay in advance, and a bounty and premium of \$402.

The class of men affected by this bill are those who for gallantry after they re-enlisted as veterans were promoted to be officers of the volunteer forces. Upon such promotion the Government terminated the contract which springs from the paragraph of the order which I have read, and ceased to pay those men any portion of the bounty, which by that order it had agreed to pay. Not only did the Government do this, but from the sums of money in the nature of bounty previously paid to those soldiers while in the ranks of the Army they deducted the sum of \$25 in each case. The position of the committee on this point is that the contract between the soldier and the Government became an executed contract upon his re-enlistment in the service of the United States, and that therefore it was beyond the power of the Government to terminate the contract by its action. The Secretary of War in terminating the contract used this language:

Paragraph 3 of the General Order 191 is construed by the War Department not to apply to the following cases: First, those discharged during enlistment by way of favor; and second, those discharged after re-enlistment by way of punishment.

A strange confusion of the rights of men, where excess of valor receives the same award which falls upon the excess of ignominy! The result of this construction (because it rests in construction alone) was that a large number of those who, after re-enlistment, were promoted, were so promoted within ninety days of the termination of the war and of their term of enlistment under the veteran contract, and as a consequence they became, under the construction of the War Office, not entitled to three months' pay proper allowed to officers, and they also lost the bounty which the Government had agreed to pay them. As a consequence, they accepted their promotion at striking financial cost to themselves. The second class named in this bill are those who prior to the expiration of two years from the date of their enlistment were promoted, and whom the Government deprived of the \$100 bounty guaranteed them under the terms of enlistment, and who, if this bill becomes a law, will be entitled to receive the same bounty that they would have received had they performed their service to its conclusion and received an honorable discharge.

Another class of deserving soldiers affected by this bill and who suffered injustice, as we contend, consists of those who were discharged prior to the expiration of two years' service for disabilities not resulting from wounds. All soldiers who were discharged on account of wounds, who belonged to the three-years' army prior to re-enlistment, were paid \$100 bounty, the same as they would have been paid had they continued their term of service to its conclusion and been honorably discharged. But those who were discharged prior to the expiration of two years, and not on account of disabilities from wounds, were,

by the construction of the War Office and its accounting officers, deprived of the \$100 which should have gone to them under the contract of enlistment. These are the three classes affected by this measure.

Mr. SOWDEN. I wish to inquire of the gentleman whether the \$402 bounty payable under this general order was payable immediately on re-enlistment as a veteran, or payable in installments; and if so, how?

Mr. LAIRD. It was payable in installments. Immediately on re-enlistment the veteran receives \$13, being one month's pay, and also \$25 as the first installment of bounty, and a premium of \$2, making \$40. On the first regular pay-day thereafter \$50 was paid, and so payments were made at intervals of four months until the whole of the balance had been paid.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Nebraska inform the House what is the aggregate amount which it is estimated will be required to make the payments under this bill?

Mr. LAIRD. In answer to the gentleman from Kentucky, I will say I have consulted with the Adjutant-General; and he states it will be impossible to determine even during this session of Congress with any degree of accuracy what the amount will be. I have made an estimate which I think approximates to some degree of accuracy, but of course it is only an estimate. There were received into the service of the United States for three years some two million two hundred and fifty thousand troops. This bill will affect, so far as the veterans are concerned, only those who had rendered two years or more of service.

There were, as nearly as I can determine, five hundred regimental organizations that veteranized. Taking a full regiment of ten companies, the line officers (and this is confined to line officers almost exclusively) would be thirty to the regiment, if it had the full complement. But every gentleman conversant with the service knows, of course, that as a matter of fact at the time of veteranizing and immediately thereafter, or within the time when the rule allowing promotions for veteran enlistment was operative, the regiments were so decimated that sometimes—and this was the case in my own brigade—it took fifteen regiments to make up a brigade of fifteen hundred men. It was not uncommon, near the close of the war, to find in our Army regiments having less than one hundred men behind the colors. I take it then to be a fair estimate to say that five hundred officers of this class will be affected by this bill. I assume that an average of about \$200 per man will become due upon the passage of the bill. This would make the amount to go to veteran officers under the bill something like \$100,000.

Then there are the officers who were promoted in the three-year service, and the enlisted men who were discharged, not on account of wounds and prior to a service of two years. These two classes, I take it, would scarcely make up \$100,000 more, according to the estimates I have.

Mr. BRECKINRIDGE, of Kentucky. How do you get at the last class?

Mr. LAIRD. So far as the officers are concerned, I get the result by the same system of reasoning which I have stated to the House in connection with the others.

Mr. BRECKINRIDGE, of Kentucky. How do you get an estimate of those discharged on account of disability?

Mr. LAIRD. I get at that from conversation with the auditing officers of the Government as to the number of cases that have arisen in their experience where applications have been made for this bounty upon the assumption by the soldier that he was entitled to it.

Mr. BRECKINRIDGE, of Kentucky. But does the gentleman suppose that the number of soldiers discharged on account of disability and who believed themselves entitled to the bounty bears any large proportion to the number of soldiers discharged on account of disability who did not labor under such delusion?

Mr. LAIRD. I think not; that is my experience from the investigation I have been able to give the matter.

Mr. BRECKINRIDGE, of Kentucky. Then the gentleman's idea is that this bill will carry about \$200,000 or \$300,000?

Mr. LAIRD. From \$200,000 to \$300,000 is what the bill will carry, I think.

Mr. BLAND. Have any estimates been made by the Department at all?

Mr. LAIRD. The committee has made the estimate I have stated.

Mr. BLAND. Does any estimate accompany the report?

Mr. LAIRD. No, sir; because at the War Office we have been told that with the present force they can not give us an estimate.

Mr. BLAND. Then the War Office is unable to give any estimate as to the amount of money required?

Mr. LAIRD. They can give no accurate estimate.

Mr. BLAND. Then it is mere guess-work, I suppose, as to the amount?

Mr. LAIRD. The gentleman may call it so, if he pleases.

I take it, Mr. Chairman, that there is nobody on this side of the House who will object to the passage of this bill on the ground of the loyalty of the beneficiaries; and I take it there is no gentleman on the other side who will object on the ground that the Government did not get full consideration for the money it is now asked to pay.

Mr. MCCOMAS. Let me ask the gentleman from Nebraska whether

the ground was not that promotion from the ranks was based on favor and not on merit, which was the real fact.

Mr. LAIRD. I can not say what may be the position of the other people.

Mr. MCCOMAS. That is, that the meritorious soldier who rose from the ranks was deprived of bounty, although he had merit, on the technical ground promotion was given by favor.

Mr. LAIRD. I think you are correct.

Mr. MCCOMAS. A system injurious to good discipline and proper management by the War Department.

Mr. LAIRD. I move the committee rise for the purpose of going into the House to limit debate on this bill.

Mr. REAGAN. I hope not.

Mr. LAIRD. I give notice I will call for the previous question on the passage of the bill.

The CHAIRMAN. Does the gentleman move to report the bill favorably to the House?

Mr. LAIRD. Yes; if no gentleman desires to debate it further I move the bill be reported back to the House with the recommendation that it do pass.

Mr. BRECKINRIDGE, of Kentucky. I hardly think it is fair the gentleman should move to rise and report the bill to the House when a statement has only been made on one side of the question.

The CHAIRMAN. The Chair will submit the question on the motion to rise for the purpose of going into the House to limit debate.

Mr. REAGAN. We ought not to be asked to put this bill upon its passage until we have had some statement from the War Department. The motion was disagreed to.

Mr. HEWITT. Mr. Chairman, I admit I do not understand this bill. I have been reproached on a previous occasion with having voted against an increase of pension to widows. I could not plead ignorance on that occasion; I knew exactly what I was doing. I knew that bill proposed to take away the hard earning of some widows and give it to other widows. To me all widows are alike. I am like Tony Weller, rather inclined to beware of them. [Laughter.]

I was told during my absence from the House I was attacked by some gentlemen on the other side and consigned to a very bad place. I am not quite sure I was not invited to take a trip to regions which are not popular inside this House or out of it.

Mr. BRAGG. But supposed to be quite populous, are they not? [Laughter.]

Mr. HEWITT. I do not know how those regions are tenanted, and I trust I never shall know; but so far as I am concerned, if I expect to keep out of them, it will be by trying to do my duty frankly and fearlessly in this House.

I remember standing at the corner of the Speaker's desk when the bill giving arrears of pensions was under consideration by this House, and I heard the question put to the gentleman in charge of that bill [Mr. RICE], as it has been put here to-day by my friend from Kentucky to the gentleman from Nebraska [Mr. LAIRD], what will the bill cost? And the answer was, after the most careful computation, it could not exceed \$20,000,000. And yet under that bill some hundreds of millions of dollars have been paid out of the Treasury, and I suppose hundreds of millions more will have to be paid. I did not vote for that bill. I was told it would not be safe for me to go home to my district. I have never heard of it in my district. I went back. I have been often a candidate before them since, and no man has ever reproached me with that vote.

And I now say here, whether I shall be a candidate or not for office, I am prepared to take the responsibility of saying that it is time to call a halt on these bills giving untold sums from the Treasury of the United States which can only be got out of the "coined sweat," as my friend from West Virginia called it—out of the coined sweat of the laboring men of the country. We have not any money to give away. The working people of this country are to-day in the presence of starvation. The avenues for work are being closed up, and closed, as I believe, mostly as the result of overtaxation.

Should not this House address itself to the work of reducing taxes? Twenty-five dollars a year taken out of a single family may not seem large to those gentlemen who are so ready to empty the contents of the United States Treasury into the streets, and yet to the man who earns his living \$25 a year represents the difference between comfort and misery.

I know that men from the South are placed by these bills in a most embarrassing situation. They can not discuss them without having imputations thrust upon their loyalty as I heard them uttered to-day, if the remark of the gentleman from Nebraska [Mr. LAIRD] had any meaning at all. I confess I was stirred—if I understood that remark—stirred with indignation that it should be made impossible for these gentlemen on this side to do their duty here and vote without having a reproach cast in their teeth. For that reason, Mr. Speaker, I have taken the floor. No man can reproach me with want of loyalty, or my people with want of a disposition to make sacrifices for those who suffered or made personal sacrifices in their country's defense.

But the burden has become intolerable. It is time somebody may speak out here. I care not what the consequences may be to me per-

sonally; but I warn gentlemen that we must stop depleting the Treasury of the Government of its contents on one pretense or another for the benefit of those who are not laboring for an honest living, or if they are laboring for it do not need the bounty we are so ready to pour into their laps. I say it in justification of the men I believe to be as generous, as liberal, as honorable as any men I have ever known in the course of my life. I have seen them come up and vote for these bills, vote for every measure of justice to the Union soldier; and what is to be regretted I have seen them forced to give their assent to other measures which in the better days of this Republic, when the Constitution was better understood and respected than it is now, would have had no place here. I have seen them come into this House and advocate and vote for these measures on the ground that it was the only way in which they could get back into the South any portion of the money for which they are so relentlessly taxed.

It is the only way for them to get even, and I do not blame these gentlemen for advocating river and harbor measures and educational bills, as well as other bills which I feel constrained to oppose, for they are taxed in their property, in their destitution, in the loss of everything except honor, and they are compelled to pay their share of the money which is distributed among the Union soldiers.

Has not the hardship been enough? Has not the humiliation been sufficient? Were they not crushed to the earth? Why, I know members of this House who, when the war closed, knew not whence the bread was to come for their wives and their children for one week ahead. Were they not sufficiently crushed and humiliated then? And yet they have come up manfully to all their obligations, though their mouths are closed; and it is not honest or honorable to press these measures upon people who are not able to either express their dissent or to give negative votes in silence.

Mr. WARNER, of Missouri. Will the gentleman permit a question? Mr. HEWITT. I will answer questions if the gentleman desires to ask them.

Mr. WARNER, of Missouri. I wish to ask the gentleman from New York what there is dishonest or dishonorable in pressing this particular measure?

Mr. HEWITT. The limit of endurance on the part of the tax-payers of this country has been reached, and it is breaking out in riots and death and dynamite, and it will not stop until the pressure—the heavy load of taxation—is removed. That is the reason why I feel constrained on this occasion to call the attention of my Northern colleagues to the fact that the limit has been reached, and that unless we stop now and refuse to vote for these bills that abstract in the dark from the Treasury of the United States the honest proceeds of labor, it will be impossible to maintain order in this country. The question to-day is social order at all costs, at all hazards; it must be maintained. It is better to have bad law than no law; it is better to have tyranny than anarchy; and it is the reckless appropriations of money which has forced this issue upon the people of the United States. This House should address itself to measures of relief, to the reduction of taxation, and to the opening of the avenues for the employment of labor.

Mr. HEPBURN. May I ask the gentleman a question? If this is the prime necessity here—the reduction of taxation—why does not the gentleman and his large majority on that side do it?

Mr. HEWITT. That is exactly one point of my remarks. The Democrats of this House have a majority. There is a bill pending in this House which will reduce taxation twenty-five millions. I know that efforts have been made to prevent the consideration and passage of that bill; and I will go with the gentleman from Iowa in sackcloth and ashes, if necessary, in order to make atonement for the failure of this House and of my party and of my administration to fulfill the pledges they made to the people when they asked for their votes and received the verdict which placed them in power. Yes, Mr. Speaker, we shall be traitors to every obligation which we assumed, and to every duty which we are sent here to fulfill, unless we walk squarely up to the settlement of that great question; and instead of imposing taxation by making new appropriations of the public money, we shall reduce taxes and lighten the heavy load now pressing grievously upon the shoulders of this people. [Applause.]

Mr. BRAGG and Mr. HISCOCK rose.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BRAGG] is recognized.

Mr. BRAGG. I had hoped that in the consideration of bills submitted from my committee no gentleman would take an opportunity of making a political speech.

Mr. HISCOCK. I want to make one on the other side.

Mr. BRAGG. I do not propose to discuss the labor question, the tax question, the tariff question, nor the currency question; but I propose to speak of protecting the honor of the nation by keeping its pledged word and bonded faith, irrespective of my friends from the South or from the North.

When gentlemen talk about oppressive taxation they are not talking about what underlies this bill. This is a bill to execute a covenant made by the Government with these people if they would aid in its defense. It was a covenant made with the men who went for the defense of the Government to protect the property that is represented

by the gentleman from New York. Their blood is property. [Applause.] It is not a question of tax.

The Government said, on the call for three hundred thousand men, that every man who served two years, or was discharged for disability, should receive a bounty of \$100. So spoke the President of the United States in his proclamation. Three hundred thousand men came to the field. A minor officer, one of the auditing officers of the Government, concluded he had charge of the honor of the Government as well as the Treasury, and so he commenced to hold that if a man was discharged for disability in two years he would be entitled to his \$100 bounty; but if he served two years, eleven months, and twenty-one days and for gallant conduct was promoted, he should be punished by taking away what had been given to the man who went out of the service a year before. Was that keeping faith on the part of the Government with these men? It was not, and thank God, if there be no other thing for which this administration ought to be thanked, it is that the Comptroller has decided that that was not the proper construction of the law, and has commenced for all cases not decided to make allowances for what the Government contracted to pay the men under the three hundred thousand call.

In 1864 when the Government was supposed to be in its last throes, when even the Republican party was willing to let up on its party organization and call for Union men independent of men who belonged to that organization and even made Union tickets in many States, the Government then made another proclamation, that all persons who were serving under their first term of enlistment and who re-enlisted in order to keep up the ranks of the Army, should be allowed for such enlistment \$402, if I recollect the precise amount.

Mr. REED, of Maine. Was that by a statute?

Mr. BRAGG. It was an order made by authority of Congress, issued from the War Department. The payment of that money by the orders of the War Department was apportioned so that it practically paid in installments the private soldier and non-commissioned officer who veteranized; his first installment, if I recollect rightly, would be \$25. If he served six months and was promoted in the last of the great battles of the war, when he went to settle his account as an officer this honest, generous Government charged him up with the money they had paid him and made him pay it back notwithstanding their bond.

This bill is to provide that those officers so promoted that were entitled to their \$100 when they were promoted did not forfeit it by reason of their good conduct, and that they shall not be punished by imposing that as a fine upon them. And it goes further. It provides that those officers who were promoted and compelled to pay back the bounty which they had earned and which belonged to them shall have their account settled by a credit of the amount that the Government improperly took from them.

That is all the politics there is in this bill.

Mr. DANIEL. May I ask the gentleman a question for information?

Mr. BRAGG. Yes, sir.

Mr. DANIEL. Do I understand the gentleman to say that the Comptroller now rules that is the true intent and meaning of the law?

Mr. BRAGG. I think so; I have seen such a decision published.

Mr. CUTCHEON. But that is not retroactive. It only applies to future cases.

Mr. BRECKINRIDGE, of Arkansas. May I ask the gentleman from Wisconsin a question?

Mr. BRAGG. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. When was this decision made?

Mr. BRAGG. Some time during the present year; I can not tell you when. I saw it published in the newspapers.

Mr. BRECKINRIDGE, of Arkansas. I will trouble the gentleman with an additional question. Has any other measure ever been brought before Congress to redress this omission and wrong?

Mr. BRAGG. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. When?

Mr. BRAGG. In the Forty-fifth Congress. I introduced the bill myself.

Mr. BRECKINRIDGE, of Arkansas. It is not then brought up now for the first time?

Mr. BRAGG. No, sir.

Mr. BRECKINRIDGE, of Arkansas. I will make only one or two brief observations in connection with this bill. There is no more friendly tribunal in the world to which a man ever made an appeal for the recognition of every just claim and for the redress of any real wrong than this Congress in its dealings with the Union soldiers. But, sir, whenever a bill comes before this House that carries with it an appropriation of money, I hold the time has come for very careful scrutiny; all discussion bearing upon matters of taxation and the distress that exists among the people is exceedingly pertinent and proper. If there has been an omission in dealing with the soldiers, if a wrong has been committed that ought to be righted, I do not believe there is a gentleman upon this floor from any section of the country who does not heartily wish to see the record made clean and correct. But, sir, we should remember one thing in our general policy, that we have now beneficiary legislation for the survivors of the late war that amounts to an annual expenditure that is not below what is spent for the standing armies of any except three or four of the leading nations of the earth.

We imagine that we are without the expenditures of a great military establishment, but, while still burdened with a debt that results from that war, our annual expenditures of this character are, I repeat, as great as those of any nation on earth for its military establishment except three or four of the principal monarchies of Europe. That is all right and just and proper. But, sir, when these rates and expenditures have been fixed at a time when the gratitude of the country was at its highest flood, when these rates and expenditures have been fixed at a time when the purchasing power of money was far less than it is to-day or ever will be again, it behooves the people of this country to analyze the causes—I will not say the motives—which impel to additional legislation of this sort. I will not say that they are demagogical, but I will say that they are very apt to be unwise and unpatriotic in view of the just claims of all classes of the people.

But, in the face of all this, bring up your claim, and if you will establish it by some other line of appeal than that which was made just now by the gentleman from Nebraska [Mr. LAIRD], an appeal merely to the loyalty of the claimant and to the ancient rebelliousness of those who sit in judgment upon the claim, you will have it allowed upon the establishment of such merit as would pass it before any dispassionate tribunal in the country. Before a single syllable had fallen from the lips of a Southern man the gentleman from Nebraska [Mr. LAIRD] had to laud the loyalty of the claimant, without arguing the merits of the case, and had to cast odium upon those who, whatever they are or whatever they have been, are here as free and unshackled American citizens, representing the tax-payers of this country. Sir, it is in that spirit, in the spirit of loyalty, taking up these obligations of gratitude, remembering that we are a people of a common Union, and that to-day we are not from North or from South, from East or from West, but from the different portions of one common country and representing the tax-payers of that country—it is in that spirit that I say: establish your claim, establish its merits, and you shall have my vote for its allowance; but do not, for God's sake, come here with such appeals as the one we have just heard.

Mr. LAIRD. Mr. Chairman, there seems to have been a strange misconception here of my language. I take it, sir, that in the House from time to time in the discharge of my public duties I have shown a disposition to do what I believe to be right, and that if it has brought me into unfriendly relations with the gentlemen upon the other side of the House I have not therefore shrunk from the discharge of that duty. It is an entirely gratuitous construction of my language in which the gentlemen find a predicate for opposition to this most just measure, which in the proper discharge of my duty to these my comrades of the war I can not allow to proceed. Gentlemen on this side of the House [the Democratic side], I had occasion to learn your quality upon other fields than this, when I looked down the leveled barrels of your muskets and you looked down the leveled barrels of ours, and I am perfectly willing to intrust the case of these soldiers to the magnanimity of the men whom I saw upon all the fields of the war, except when I was laid aside for repairs, and that without any appeal to past passion.

There is no disposition upon my part, none I trust upon the part of any man here, to attempt the tricks of a demagogue, and in the name of patriotism to perpetrate a crime against a peaceful condition of things in this country. This nation is your nation, thank God, as well as ours, and it is so by the courage and the valor of the men for whom I plead. It was not our fault that you were not with them, so that you might to-day be the beneficiaries of this act the passage of which we seek at your hands and at the hands of your colleagues. It is not our fault. You made your election and we made ours. We fought it to an end. It is done, and let it remain done since 'tis well done. Now then, if you are honorable men—and you have attested it upon a hundred fields—the appeal lies as strongly to you as it does to us. There is no dividing line here. The honor of the Government against which you fought ought to be as dear to you now as it is to the men who then fought to maintain its honor. This is a cold question of a contract, and my remark to this side of the House was rather in the nature of a compliment, the recognition of the courage of men who could see courage in their opponents, although in the end they had to see it through the bitterness of defeat. That remark was no appeal to the spirit of party. It was an appeal to no difference upon the great question of loyalty. Here is a cold question of a contract made by the Government of the United States with its soldiers, which contract that Government repudiated; and the question is whether or not this Congress will now do that which the Government by its solemn proclamation and declaration promised to do for its soldiers then.

Mr. Chairman, I can not pass without comment the extraordinary defense which the gentleman from New York [Mr. HEWITT] sees fit to make for the gentlemen of the South who are supposed by him to be suffering under some sensitive disability which closes their lips. When did the gentleman become the guardian of the South? Who is raising the ghost of the defunct confederacy if not the gentleman from New York? Who asks the votes of Southern men for this measure unless they be given as a matter of conscience? Certainly I do not. The gentleman says he does not blame members from the South for voting for river and harbor bills to get even with the North. Is the business of legislation reduced to a contemptible swap? Is that the high level of the gentleman's defense of the South? Mr. Chairman,

against the deep damnation of this petty defense of men of the South I protest. This is not a game of larceny. We present this measure upon its merits, and let it stand or fall by the votes of members of this House, which they are free to give or withhold.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. LAIRD. Yes, sir.

Mr. McMILLIN. You say this was a contract.

Mr. LAIRD. I say so.

Mr. McMILLIN. In what way was the contract made? Otherwise than by law?

Mr. LAIRD. I suppose the construction made by the order of the Secretary of War was afterward ratified by law.

Mr. McMILLIN. If it was ratified by law, then there was law for the contract. Why, then, is it not enforced by the law that made it?

Mr. LAIRD. It is not enforced by the law that made it by reason of the misconception put upon the contract by the auditing officers of the Government.

Mr. BLAND. May I ask the gentleman how long ago that construction was given?

Mr. LAIRD. The order upon which the re-enlistments took place was dated the 25th of June, 1863. The order upon which the construction which refused payment of these claims was based was made in August, 1866.

Mr. BLAND. I wish to ask another question. How does it happen that this matter has been pending so long?

Mr. LAIRD. I will say to the gentleman that a bill to do this very thing did once pass this branch of Congress.

Mr. ROGERS. When?

Mr. BLAND. This construction having been made at a time when the laws and orders on the subject were all fresh in the minds of the auditing officers, and when, we may presume, the whole matter was well understood, it seems to me now quite late to appeal to Congress to set aside the construction then placed upon the order and the law by the auditing officers of the Government.

Mr. McMILLIN. My friend from Nebraska [Mr. LAIRD] says that the reason this bill is necessary is that the law has been misconstrued by the officers whose duty it was to construe it. Now I ask whether those interested in this matter have not a right to enforce their claims in the courts; and, if so, why do they not do it?

Mr. LAIRD. I can not answer for them; and we have not discharged our duty, as I understand, unless by law we furnish to these men a clear remedy.

Mr. McMILLIN. It is our duty to make laws; but the enactment of laws will not enforce those already in existence. When was the construction complained of first adopted and by whom?

A MEMBER. In 1866.

Mr. CUTCHEON. What court would the gentleman from Tennessee have the soldier go into in order to enforce the contract?

Mr. McMILLIN. The gentleman from Michigan [Mr. CUTCHEON] asks me what court I would have the soldier go into to enforce his claim. The laws provide the court that can compel the officers of the Government to do their duty under the law.

Mr. LAIRD. What action have the men against the Government? I do not wish to waste time in quibbling about this matter. There is no court that has jurisdiction to award these men the remedy to which they are entitled. Let the nation perform its agreement with them.

Mr. McMILLIN. The officers of the law—

Mr. LAIRD. I can not yield further to the gentleman from Tennessee. I yield to the gentleman from Virginia [Mr. DANIEL], who wishes to ask a question.

Mr. DANIEL. I beg leave to ask one question, and I will say in advance that if I am satisfied the Government has made this contract I shall vote for the bill. But the question which I want answered, as a matter of information, so that this case may be understood, is this: If the claimant has this right which is contended for under an existing law, has he not his remedy by mandamus to compel the Government officers to pay him his bounty?

A MEMBER. How can a court control the judicial discretion of an officer by mandamus?

Mr. DANIEL. But, under the law, is it a judicial discretion?

Mr. MILLS. Where the duty of the officer is ministerial, he can be controlled by mandamus, but not upon a matter confided to his discretion.

Mr. DANIEL. The question I wish to put to the gentleman from Nebraska is this: If the claimant, having been a volunteer for two years, I believe it is, has the right under the law to demand this bounty, where is the difficulty in his asking a mandamus to compel the payment of the bounty?

Mr. LAIRD. My answer to the gentleman is this, and it will serve as an answer to all these interrogatories: If every soldier who has been wronged by the construction of the auditing officers of the Government in the matter of his pay is compelled to go into court to sue, that is an end to any remedy for him.

Mr. DANIEL. One case would settle the question.

Mr. LAIRD. The soldier might spend all his property in the effort to recover what he is entitled to.

Mr. McMILLIN. One decision would settle the question, and would determine the rights of parties in all cases of the same class.

Mr. REAGAN. Mr. Chairman, as I shall have to vote on this question—

The CHAIRMAN. Does the gentleman from Nebraska yield?

Mr. REAGAN. I only desire a few moments.

Mr. LAIRD. I yield to the gentleman for five minutes.

Mr. REAGAN. As I shall be called upon to vote on this question, I desire to say that when we are asked to pass a bill like this we are entitled to information from the proper Department of the Government as to what will be the probable cost of the measure. The Committee on Military Affairs come to this House with a bill as to the cost of which they do not profess to have any idea; and they do not seem to have inquired at the War Department to obtain an estimate from that Department, which could certainly be made there. I am induced to make this remark, because some years ago there was before this House a bill which it was alleged on particular inquiry would not cost the Government more than \$20,000,000 or \$30,000,000, the highest estimate that any one made being \$60,000,000. In that case it turned out that the Commissioner of Pensions in his first report after the passage of the bill estimated that the measure would cost the Government \$750,000,000.

No one can say that the present bill will not cost the Government more than \$30,000,000; but how much more we can not tell. I suppose from the suggestions made by gentlemen here that the answer to this would be that this is a debt which the Government owes upon a contract which it has made. But how does it come to pass that a debt arising upon a contract made more than twenty years ago has never been enforced against the Government?

Will it be assumed that Congress has been unpatriotic, the Republican party has been wanting in its duty and fidelity to the soldiers, that it has been unfaithful to its contracts and obligations for twenty years, and just now has discovered the Government is indebted to these people and under obligations to pay a sum of money in any case whatever the amount may be?

It is for such reasons as this I shall vote against this or any other bill which comes to this House and asks for indefinite appropriations. I am slow to accept the proposition this Congress has been for more than twenty years so unpatriotic as to have failed in its duty to the soldiers. I can hardly well think that is the case. I can hardly believe it has been left for twenty years to this Congress now to discover the obligations of the Government to pay these particular men.

Mr. Chairman, the gentleman from New York [Mr. HEWITT] made some remarks a little bit ago which had better be heeded by this House. Instead of piling up new burdens upon the people we had better begin to lighten those burdens. We have gone on by a system of legislation for twenty years the effect of which has been to accumulate vast fortunes in the hands of a few individuals and corporations of the country and inevitably to impoverish the great mass of the people. The principle and cause which led to this are going on in their operations, and the fruits of this course are being demonstrated to the American people to-day by poverty, by suffering, by strikes. And gentlemen must not suppose they can relieve themselves by piling up additional burdens. Instead of preserving the Government, our policy for twenty years has been to pile up fortunes in the hands of the few and impoverish the great mass of the people and create privileged classes in violation of the spirit and genius of our Government and in defiance of the plain injunction of the Constitution itself.

How? We have fixed a class of judicial officers who, when they retire from service, are paid for life for doing nothing, and Army officers, Navy officers, and officers of the marine service. And we had bills before the last Congress for more than a dozen additional classes of men to be paid for life, because they have been more fortunate than their fellow-citizens and been able to get into valuable positions.

The CHAIRMAN. The gentleman's time has expired.

Mr. REAGAN. I hope the gentleman from Nebraska will allow me one minute more.

Mr. LAIRD. I will yield one minute more, but no more.

Mr. REAGAN. We had better attempt to modify or repeal the laws which are oppressing the people. We had better begin to learn to do justice to the people before we are forced to learn it in an unpleasant way to the whole country.

[Here the hammer fell.]

Mr. ROGERS. I hope the gentleman will yield to me.

Mr. LAIRD. Gentlemen must make speeches in their own time if they rise to oppose the bill.

Mr. ROGERS. I wish to oppose it on legal grounds.

Mr. LAIRD. I will yield one minute to the gentleman from Pennsylvania.

Mr. SOWDEN. Mr. Chairman, I rise simply to correct the exaggerated statement made by the gentleman from Texas [Mr. REAGAN] in reference to the amount of money involved in this legislation. He has stated to this House that the amount involved in this bill is \$30,-

000,000. The gentleman from Nebraska [Mr. LAIRD], in reply to a question addressed to him by the gentleman from Kentucky [Mr. BRECKINRIDGE], said that the entire amount involved would not exceed \$200,000 or \$300,000.

Mr. REAGAN. If the committee has that information it never yet has stated it.

Mr. LAIRD. No; they have not. I understood the committee, from the best information they could get, to fix it at that amount of \$200,000 or \$300,000.

Mr. SOWDEN. So the gentleman stated in his response to the questions of the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. LAIRD. I take it the bill has been sufficiently discussed; and I hope by unanimous consent all further debate will be limited to ten minutes.

Mr. STEELE. I hope that will be done, and the debate can continue under the five-minute rule.

Mr. ROGERS. I object.

Mr. BRAGG. I move the committee rise for the purpose of limiting debate.

Mr. ROGERS. I hope that will be voted down.

The committee divided; and there were—ayes 116, noes 39.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes, and had come to no resolution thereon.

Mr. BRAGG. I move that the House resolve itself into the Committee of the Whole on the state of the Union; and pending that motion I move that all general debate on the pending bill be closed in ten minutes.

Mr. HOLMAN. I suggest a little additional time. I move to amend by making it thirty minutes.

The question first recurred on the amendment.

The House divided; and there were—ayes 79, noes 53.

So the amendment was agreed to.

The motion as amended was then adopted.

The question next recurred on the motion to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

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

The CHAIRMAN. By order of the House all general debate on the pending bill has been limited to thirty minutes, fifteen minutes on each side.

Mr. BRAGG. Mr. Chairman—

The CHAIRMAN. The Chair will state that it desired to give fifteen minutes of the time to gentlemen who were opposed to the passage of the bill. The Chair understood the gentleman from Indiana, from his motion, to be opposed to it.

Mr. HOLMAN. I can not say that I am opposed to the bill; but I desire ten minutes for the purpose of making some remarks upon it.

Mr. ROGERS. I will take the time, Mr. Chairman, as I want to oppose the bill.

Mr. BRAGG. I think the Chair misapprehended the purpose of the gentleman from Indiana. His purpose is to consume the day.

Mr. HOLMAN. No, sir; my purpose is to amend the bill.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas [Mr. ROGERS] to control the time in opposition.

Mr. ROGERS. Mr. Chairman, I listened with the best attention of which I am capable to the arguments both of the gentleman from Nebraska [Mr. LAIRD], and the gentleman from Wisconsin [Mr. BRAGG] the chairman of the Committee on Military Affairs, and I understood both gentlemen to assert that this was a contract of the Government, and that this bill was based upon a specific contract on the part of the Government.

It may be that I have failed to understand these gentlemen. It may be that I occupy the same attitude upon the subject of this bill which my friend from New York declared for himself, namely, a state of ignorance; but I think I understand the provisions of the bill, whether I understand the facts upon which it is based or not; and if the bill is true then I say it is not a specific contract of the Government at all, but an effort on the part of the Committee on Military Affairs to equalize the three classes sought to be benefited by the bill and place them on the same footing with those who had performed the duty under the act in question—their comrades in arms.

But, sir, to discuss this bill in the manner in which I propose to discuss it, for I intend to discuss it altogether upon legal grounds, I invite attention to its provisions. The first section of the bill provides:

That all soldiers of the late war who re-enlisted as veteran volunteers, and afterward were discharged to receive promotions and receive commissions as officers in the Army, shall be paid all installments of veteran bounty which were withheld from them on account of their being so commissioned and mustered, the same as they would have been entitled to receive had they completed their term of enlistment without promotion and received an honorable discharge.

The very bill itself, so far as this class is concerned, states that they

are to receive the same that they would have been entitled to receive if certain things had been done; from which the inference naturally follows that they did not conform to the terms of the contract, or the law if you please, under which they were mustered into service.

Appended to this section of the bill is a proviso in the following words:

*Provided*, That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge.

That is to say, they shall receive the same bounty that they would have been entitled to receive had they done such and such things; which leaves the inference clear and unquestioned that they did not do these things which the law required them to do in order to receive the bounty which their fellow-members who conformed to the law received. The second proviso of this section is in the following words:

*Provided further*, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

Clearly conveying the inference that they did not conform to the law by serving the period of time which the contract demanded they should serve in order to be entitled to the bounty the bill now seeks to confer; and which law only gave the benefit of its provisions to those who were discharged on account of wounds, as my friend here from Kentucky suggests. But this bill now seeks to confer that bounty upon all without restriction.

In other words, Mr. Chairman, the object of this bill is to create new classes which would be entitled to the same privilege of bounty which the persons who originally entered the service and performed the conditions required by the law were entitled to receive. It is then an effort to do—what? To place upon an equal footing the men who did not conform to the law with those who did conform to the law; and now that brings me to the principle against which I enter my earnest protest.

Sir, whenever we recognize the principle that we shall go back to take up the four years of that unfortunate conflict and undertake to settle the equities of all persons engaged in it, equalize the compensation they received, and put all upon an equal footing, we open a door which we can never again close; we open a door that will absorb more than all of the pension-money that has ever been expended in this country up to this time. It is a question which involves bounty, additional pay for service, land-warrants, pensions, bounties, back pay, a dozen things which have been conferred upon various classes of persons either by special enactments, by general orders, or by law, to take effect from the time, or to be regulated by the time they were mustered into the service and the length of their service. It will take more to equalize bounties and place all soldiers upon an equal footing, having reference to the value of money at the time it was then paid and the other conditions which must necessarily enter into the calculation, than it will to pay the entire pension-roll of the country. I maintain, sir, that we can not afford that precedent; and right here I enter my protest against the policy of attempting to place persons who have not conformed to law upon an equal footing with those who have conformed to it and who are entitled to the conditions of the contract, the provisions of which they knew when they entered the service. Therefore, when you tell me, as these gentlemen have told me, that we are called upon here to execute a contract, I respond it is not so nominated in the bond.

It does not appear on the face of the bill, nor does it appear from anything that has been presented in this discussion, that they conformed to the law the benefit of which you seek to give them; and I shall vote against the bill on that ground.

I will close the remarks I have to make with this statement, that if it can be shown by anybody that these men have complied with the law and been denied the privileges and benefits which their comrades received under it, then I will support this bill, because I believe in the enforcement and execution of every contract, whether between private citizens or between the Government and any of its citizens.

I yield the residue of my time to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. How much time is there remaining?

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] has eight minutes of his time remaining, which he yields to the gentleman from Indiana [Mr. HOLMAN].

Here the committee informally rose, and Mr. DUNN took the chair as Speaker *pro tempore*.

#### MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 444) to amend section 3336 of the Revised Statutes of the United States;

An act (H. R. 5198) to remove the disabilities of John Taylor Wood, of Louisiana;

An act (H. R. 5876) for the relief of Dinwiddie B. Phillips;

An act (H. R. 274) for the relief of John A. Morris;  
 An act (H. R. 7647) to establish a light-house at Seul Choix Point, Michigan;  
 An act (H. R. 5539) for the relief of James G. Martin;  
 An act (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee;  
 An act (H. R. 6980) making an appropriation to complete the public building at Jackson, Tenn., and to reappropriate an unexpended balance therefor;  
 An act (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations;  
 An act (H. R. 4493) to amend the act of June 15, 1844, and for other purposes; and  
 An act (H. R. 5549) limiting the cost of a public building at Rochester, N. Y.

## RELIEF OF OFFICERS OF VOLUNTEER ARMY.

The Committee of the Whole resumed its session.

Mr. HOLMAN. The subject of equalizing bounties has excited much interest for many years. The various laws in regard to bounties enacted during the war created great inequalities and much injustice. In the proclamation issued by the President in which seventy-five thousand men were called into the field at the opening of the war in 1861 a bounty of \$100 was promised to each soldier who enlisted for the period named. Soon after Congress met, on the 4th July, 1861, the proclamation issued by the President was ratified by Congress at the session which commenced July 4, 1861, and the Supreme Court afterwards held that the soldier who enlisted under that proclamation was entitled to receive a bounty without reference to the period of his service if he was honorably discharged.

The act of July, 1861, has a special application to the pending bill, promising a bounty of \$100 to those who enlisted and served for two full years. Afterward, I think in October, 1863, in an emergency, by direction of the President of the United States, an order was issued by the Secretary of War making a promise of \$300 to the soldiers who enlisted and served for the period of three years; and that, if I remember correctly, was afterward ratified by an act of Congress and increased bounties were given for re-enlistment. So that these various laws have created great inequalities in the bounties; one law giving in effect some of our soldiers \$100 bounty without any reference to the period of service; another giving \$100 for a two years' period of service; and a third paying the soldier who enlisted for three years a bounty at the rate of \$100 per annum, and for re-enlistment still more.

At a very early moment after the close of the war the inequality of the bounties was the subject of a great deal of interest, and it was insisted that these bounties ought to be equalized. As early, I think, as the year 1867 I introduced a bill in the House to equalize the bounties and to pay each soldier who was honorably discharged from the service the sum of eight and one-third dollars a month for the period of service, deducting from that sum the amount of bounty he had received. In this way each soldier would have received the same bounty that the most favored received for the actual period of service, he having been honorably discharged.

Now, let us look at the second proviso in this bill and see how it would operate in connection with this proposition to equalize the bounties and to place on the same footing all the men who served in the Union Army. The proviso in the first section is as follows:

*Provided further,* That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty as they would have been entitled to had they been discharged on account of wounds.

Of course it often would occur that a soldier left the Army on account of sickness and yet re-enlisted. He would receive under this bill the same bounty exactly for a short period of service as for a long period, while under the general law he might serve for a long period of time under the act of July, 1861, without receiving any bounty whatever. So that this bill, while doing justice in some degree, I think instead of tending toward the equalization of bounties leaves the inequality of bounties still strikingly apparent.

I have noticed there are pending in the House a large number of bills to equalize these bounties; and if I can get the ear of the gentleman from Wisconsin [Mr. BRAGG] who presides over the Committee on Military Affairs I would like to inquire whether or no the bills to equalize the bounties, to do equal and exact justice to all the men who served in the Union Army and were honorably discharged—whether bills of that class have received any consideration on the part of his committee?

Mr. BRAGG. The bills for the equalization of bounties?

Mr. HOLMAN. Yes, sir.

Mr. BRAGG. No, sir; not officially by the committee.

Mr. HOLMAN. There are such bills before the committee?

Mr. BRAGG. Yes, sir.

Mr. HOLMAN. Is not that measure regarded as one fairer in its operation and more just to all the soldiers of the Union Army than this partial measure now pending?

Mr. BRAGG. If the gentleman desires my personal individual opinion I shall give it very frankly. I am utterly, thoroughly, and wholly opposed to the whole doctrine of equalization of bounties. I believe in giving each man precisely what he was entitled to and no more.

Mr. HOLMAN. Does my friend from Wisconsin [Mr. BRAGG] think that the soldier who enlisted and served a month and was honorably discharged, as in the case of those who enlisted under the President's original proclamation, should have the whole bounty of \$100, and yet that the soldier who served a year, eleven months and twenty-nine days should receive no bounty, as under the act of July, 1861? Is it not fairer to pay each soldier a bounty according to the actual period of his service?

Mr. BRAGG. I will answer that. If the Government had stipulated that it would pay pro rata for length of service, then I would say perform the bond; but when the Government stipulated to pay \$100 bounty to every soldier suffering from disability contracted in the service, it does not make any difference whether the disability was contracted after three weeks, nine months, or three years' service. It is the fact of disability which entitles the party to the bounty, not the fact of service.

Mr. HOLMAN. For twenty years it has been held otherwise by the Second Comptroller of the Treasury.

Mr. BRAGG. It is not held otherwise by the present Second Comptroller.

Mr. HOLMAN. I know; but for twenty years it has been held otherwise.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HOLMAN] has expired.

Mr. BRAGG. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Chairman, I regret that the discussion of this bill has taken the range that it has. It is really a simple proposition, and one not difficult to understand. There are concerned in this bill two classes of soldiers and two classes of discharges. There are the non-veterans and the veterans—those discharged for promotion and those discharged for disability. In 1861 the Government proclaimed through the Chief Magistrate, and Congress enacted, that every person enlisting under a certain call for soldiers should be entitled to receive \$100 bounty. Subsequently, it was ruled that if within two years a soldier was discharged on account of wounds he should receive the entire bounty.

Mr. HOLMAN. That was the law.

Mr. CUTCHEON. Yes; that was the law. But if discharged on account of disease, on a surgeon's certificate of disability, then it was held that he should not receive the balance of his bounty. That was not law, but construction. Again, it was held that if a man was discharged for promotion, that was a discharge for favor, *causa gratia*—a favor to the soldier, and that, therefore, it put him outside the class entitled to the bounty. Now, my first proposition is this: The Government made a proposition to its citizens to assist it in its time of need. Certain citizens accepted the proposition. The proposition was not to serve for a definite length of time, but it was to enlist to serve for a definite length of time. If a soldier failed to serve for a definite length of time, that was not his fault, whether he were wounded, discharged, or disabled by disease, or promoted on account of his superior service or gallantry.

Mr. ROGERS. Will the gentleman permit me to ask him a question?

Mr. CUTCHEON. Certainly; although my time is very short.

Mr. ROGERS. If it was the act of enlistment that entitled the man to the bounty would he not have been entitled to it even if he had deserted?

Mr. CUTCHEON. No; because by that act he forfeits all his rights under the contract. He himself breaks the contract, and therefore can not claim under it. But, Mr. Chairman, these men did not resign to accept promotion. They were promoted, and discharged by the Government in order that they might accept the promotion. When the Government held out its proposition and the citizen accepted that proposition, the contract was complete and binding from that time forth for evermore unless the soldier broke it.

Now what is the second case in the bill, the case of the veterans? In the fall of 1863, after the invasion of Pennsylvania, after the fall of Vicksburg, after the defeat at Chickamauga, the Government, finding itself in straits, with the terms of its three-year men expiring during the coming winter, held out a new proposition, and said that if the old regiments would come to the front and re-enlist, veteranize, the Government would extend to each of those men a bounty of \$402. There was nothing said about being discharged on account of disease or about being discharged to accept promotion. There was simply the broad proposition that if those men who had already borne the brunt for three years would now come forward and re-enlist they should each receive \$402 of bounty. They came up like gallant and patriotic soldiers; they had stood the brunt for three years and they were willing to stand it for three years more, if necessary. They accepted the proposition of the Government, and then that proposition became a contract binding to all intents and purposes upon the Government and upon both parties, unless the soldier broke it by desertion.

Again, when these veterans, for gallant service or for superior ability, were mustered out, as a favor, in order that they might accept promotion, the construction of the Government officers was that they thereby forfeited the unpaid balance of their bounty. Not only that, but by force the Government officers deducted from the pay of those men every dollar of the bounty that they had already received. That is what I protest against. I protest against repudiation by this Government in any form, and I think this was repudiation pure and simple. Perhaps it might have been excusable at the time under our great financial stress, when our money was exhausted and we were putting out issue after issue of paper currency and exhausting our credit in the markets of the world—possibly, I say, there might have been some excuse at that time for the Government putting this construction upon the contract. But that excuse has been long since exhausted. We are now able, abundantly able, to live up to the contract we have made; and without any reference whatever to sectional feeling or to any other extrinsic consideration, let us all stand by the honor of the Government and redeem the pledge which it made in the hour of its necessity.

[Here the hammer fell.]

Mr. BRAGG. Mr. Chairman, I do not care to occupy any time in general debate. I ask that we now proceed to consider the bill under the five-minute rule.

The CHAIRMAN. As the gentleman from Wisconsin [Mr. BRAGG] does not desire to use the rest of the time allotted to him, the bill, if there be no objection, will now be considered by sections.

Mr. REED, of Maine. If the gentleman does not use the time, that does not prevent other members from using it?

The CHAIRMAN. Does the gentleman from Maine [Mr. REED] desire to address the House?

Mr. REED, of Maine. I wish to inquire the meaning of the first proviso to the bill, which is in these words:

That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans—

Meaning apparently those who did not re-enlist—

shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge.

Mr. BRAGG. I will explain that.

Mr. REED, of Maine. I shall be very glad to hear an explanation.

Mr. BRAGG. That applies to a class of soldiers who had served a sufficient length of time to entitle them to their \$100 bounty, and who between that time and the expiration of their term of service, and before veteranization, were promoted.

Several MEMBERS. Oh, no!

Mr. BRAGG. Yes; that is just what it means. Perhaps I can best illustrate the matter by giving a case. A soldier we will suppose enlisted under the act of 1861; by the terms of that act, if he served two years, he was entitled to \$100.

Mr. REED, of Maine. Two years, or three?

Mr. BRAGG. Two. I will read the section of the act of 1861, if the gentleman so desires.

Mr. REED, of Maine. I do not care about it.

Mr. BRAGG. Now, if this soldier served two years and was not discharged, but continued in service a portion of the third year, and during that time accepted a commission upon the recommendation of his commanding officer, was appointed a second lieutenant or a first lieutenant or a captain, the Department held, as a construction of that law, that this soldier was not discharged except as a matter of favor; and by accepting the favor which the Department gave him by allowing him to be discharged, it was held he waived his claim to the bounty which he had already earned.

Mr. REED, of Maine. And that would be the case also if he had served but one day. He would receive the full bounty for the two years.

Mr. BRAGG. No, sir.

Mr. BROWN, of Pennsylvania, and others. Certainly he would under this bill.

Mr. BRAGG. No, sir.

Mr. REED, of Maine. As one extreme case was put, I put another, simply to show the scope of the bill.

Mr. MORRISON. This bill seems to be misunderstood. If it means what the gentleman from Wisconsin says, and it may, although I do not so understand it, I have no objection to it; because if a man enlisted with the promise that he should have a sum of money as bounty and afterward he served the length of time for which he was enlisted, but his services were found so valuable to the Government that he was promoted, I do not think this circumstance ought to deprive him of the promised bounty. But this proviso at the end of the first section means something more. If I understand it, it means this: Men enlisted under an order of the Department promising a certain sum of money as bounty, and afterward that promise was put in a law which provided that if the soldier so enlisted served two years, or was discharged, or quit the service before serving two years, because of wounds, then he should have the bounty.

Mr. BRAGG. Because of disability.

Mr. MORRISON. No, sir; "wounds" is the word; and this bill

puts in "disability" so as to put the man who went out of service before the expiration of two years on account of diarrhea or other disease common to the camp on the same footing as the man who went out because he was wounded. That I believe to be the purpose of this last proviso to the bill.

Mr. BRAGG. No, sir.

Mr. MORRISON. It includes a new class of persons who under the law have not been entitled to the bounty—the law as it has been for twenty years excluded this class.

Mr. REED, of Maine. The gentleman is speaking of the second proviso. It was the first proviso I was inquiring about.

Mr. MORRISON. I have been discussing one proviso and the gentleman from Wisconsin [Mr. BRAGG] the other. What I desire is that the bill shall be understood that we may pass so much of it as may have merit.

Mr. SCOTT. Mr. Chairman, as I understand this bill, it provides for three distinct classes of soldiers: first, for men who, having served a given term of enlistment in the Army, re-enlisted as veteran volunteers and were subsequently discharged in order that they might receive their commissions as officers of the rank to which they had been promoted; second, those who prior to their re-enlistment as veterans received an honorable discharge for promotion; and, third, those who were honorably discharged by reason of disease or disability other than wounds incurred in the line of duty.

Now, Mr. Chairman, there is a great difference in these three classes of men. Those belonging to the first class had served their country faithfully for a defined period, had received an honorable discharge, and had re-enlisted with the understanding that they should be allowed a certain bounty named in the call. Subsequent to their re-enlistment they were promoted from the ranks. Being private soldiers they were again discharged to the end that they might receive their commission from the Government. The second provision is a wholly distinct proposition, and very far-reaching in its effect, inasmuch as it provides that every soldier who was discharged for promotion previous to his re-enlistment as a veteran shall be entitled to the bounty that he might have received had he remained in the ranks until his original term of enlistment had expired and then re-enlisted as a veteran under the special call. The third clause provides that those who, from disease or causes other than wounds, were disabled from serving the full term of their enlistment should receive the same benefits as those who had been discharged on account of wounds.

The first class in my judgment are unquestionably entitled to recognition by Congress in the manner set forth in the bill. These men were serving their country as humble soldiers in the ranks, and by reason of special fitness or merit were promoted to the grade of commissioned officers and placed upon a higher plane. Surely the distinction thus won should not operate to deprive them of the pecuniary consideration promised them by the Government when after having served one term they agreed once more to enter the service in the ranks.

Those embraced in the second class, while doubtless equally worthy, are far more numerous; and in the absence of any estimate as to the amount to be necessarily expended should this provision be adopted it seems to me that it is asking too much to invite the House to sanction the measure. The list of those who would be benefited thereby is not confined to those who responded to the Government's call in a period of supreme trial, and after they had already fulfilled at least a liberal proportion of the duty devolving upon them as citizens. But the proposition extends far back and covers all who were discharged during the entire period of the war.

As to the third class there certainly can be no question in the minds of reasoning men that the provision is altogether too comprehensive to be considered blindly and without official data to enable the House to form some idea of the sum required to carry out the provisions of the act. All will agree as to the claims the soldier has upon the gratitude of the people, and if the past is an index to the future none of real merit will fail to be remembered in some form or other. But these do not properly come under consideration in connection with the original scheme of this bill. The first section of the bill is unquestionably fair and just, and the class embraced in that provision ought to be paid the sum promised by the Government at a time when their services were in supreme demand and were given in accordance with that promise, and they ought not to be exempted because they were taken from the ranks to a higher sphere of duty.

The CHAIRMAN. By order of the House general debate is now closed.

Mr. SOWDEN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOWDEN. Are amendments now in order?

The CHAIRMAN. The bill will now be considered by sections, and will be open to amendment under the five-minute rule. The Clerk will read the first section of the bill.

The Clerk read as follows:

*Be it enacted, &c.*, That all soldiers of the late war who re-enlisted as veteran volunteers, and afterward were discharged to receive promotion and receive commissions as officers in the Army, shall be paid all installments of veteran bounty which were withheld from them on account of their being so commissioned and mustered, the same as they would have been entitled to receive had

they completed their term of enlistment without promotion and received an honorable discharge: *Provided*, That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge: *Provided further*, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

Mr. BOUTELLE. I understand the bill is now open to amendment under the five-minute rule.

The CHAIRMAN. It is.

Mr. BRAGG. And the committee has the first right to offer amendments?

The CHAIRMAN. It has.

Mr. BRAGG. I move then to strike out all after the word "discharge," in line 10, down to the end of the first section. That will be to strike out the two provisos which have occasioned this trouble.

Mr. PERKINS. Let me suggest why that should not prevail.

Mr. BRAGG. I have the floor.

The CHAIRMAN. The Clerk will read the words proposed to be stricken out.

The Clerk read as follows:

*Provided*, That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge: *Provided further*, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

Mr. BRAGG. I desire every member to know I make this motion to strike out. I discussed this bill on the principles involved in the first section and the second section without regard to these provisos. It was not my understanding or intention to support this bill and put in a new class not provided for by law. My proposition, which I stated in my argument, made in good faith, was to make a law which would carry out, in spite of the construction of the accounting officers of the Treasury, the law as it was written upon the statute-book. I do not intend to speak further than that, and to show my faith in the matter I make the motion to strike out those provisos.

Mr. PERKINS. If we are to enact legislation which is designed to do justice to those who wore the blue and defended their country in the hour of its extremity and peril, it seems to me that we ought not to discriminate, as we will do if the amendment of the gentleman from Wisconsin is accepted.

I know that there are men upon this floor (for since this debate began I have conversed with a number of them, and I simply suggest that as an illustration because they represent many in the same condition scattered through all the loyal North) who served for almost two years as enlisted men wearing the uniform and carrying the musket of the private soldier, but who, because of their valor, because of their gallantry, because of their intelligence, won the shoulder-straps and secured the rank of commissioned officers before they had served two full years in the Army, and who because of this received no bounty whatever for their service, although many of them served four years and some even longer.

If the motion, therefore, of the gentleman from Wisconsin [Mr. BRAGG] prevails, to strike out these provisos, these men who by this bill should get the benefit of the bounty would be excluded, and yet those who veteranized and received, in consequence of such veteran service, increased pay, although many of them did not serve so long as the class of which I speak, are to be provided for by the bill, notwithstanding the veteran bounty and compensation gave them better pay and more liberal recognition on the part of the Government than the class of men provided for by the other features of the bill and of whom I speak.

I claim, Mr. Chairman, that if we are to do justice, as we should do, we must not discriminate in favor of the veterans simply, but try to do justice to all. I know many men personally, and there are hundreds of them scattered all over the country—they will be found in every hamlet in the land—who served a period of three years or more, many of them four years, and a number of whom are on the floor of this House who served even for a longer period than that, who enlisted as privates in the beginning and wore the uniform of a private soldier, endured the hardships of a private soldier for twelve months, fifteen months, eighteen months, yes, for twenty-three months some of them, and who because of their worth and the exigencies of war happened to secure commissions and became commissioned officers, commissions won by their gallantry, their devotion, and their valor before they had quite completed the two years' service. These men could get no bounty and are to be discriminated against by this bill if the motion of the gentleman from Wisconsin prevails.

For that reason I urge that the motion should not prevail. The second proviso of this bill in my judgment is one of the most meritorious features of it. It is to make provision for the private soldiers who were discharged because of disability before completing their two years' service.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. SKINNER. I move to strike out the last word.

Mr. Chairman, the gentleman from New York [Mr. HEWITT] in discussing the provisions of this bill a few moments ago, in attempting to account for the votes of some of the Southern members upon this floor, made use of words to the effect that there were men representing Southern districts in this House who were compelled or forced to vote against their better judgment, and who voted, as he believed, for such propositions as the river and harbor bill for the sole purpose of getting even with the North.

I was in hopes that some man representing the South except myself should contradict that statement. I arise simply now to contradict it, and say that if there is no other man who represents a Southern district here than myself there is one at least who went into the war and fought upon the Southern side, all the way from Bethel to Appomattox, and has not cast a single vote in this House except as his better judgment dictated. I want to say also, Mr. Chairman, that I have voted on one or two occasions for propositions that were for the benefit of Northern soldiers, and I have voted on one or two occasions against propositions for their benefit; but each time I voted according to the dictates of my own judgment, and not because I came from one section or the other.

I have voted for two river and harbor bills, and expect to vote for another, not because I wanted to get even with the North, but because I believed that most of the provisions in these bills were right and ought to be passed. I want to say that there is no man on this floor who will go further to do justice to the Union soldier than myself, and wherever I believe there is justice in the proposition for their benefit I shall vote for it. Wherever I believe that a contract with the Government is out, and that it ought to be fulfilled, I shall vote to carry out that contract; and, Mr. Chairman, I want to say this, that there is no man here who is more of a free-trader than I; there is no man who is more in favor of reducing taxation than myself; but, notwithstanding that, I shall never vote to reduce taxes if their enforcement is necessary to carry out the contracts of the Government. [Applause.]

Mr. GOFF. Mr. Chairman, it seems to me that the gentleman from Wisconsin surrenders much of the good that is in this bill when he asks us to strike out these two provisos. He concedes in the argument that the veteran soldier of the country should have the bounty paid to him according to the order of the War Department. If that be true, can he suggest any reason why a private soldier who enlisted and served prior to 1863, should not have the benefit of the law as it was written previous to that time and as it existed at the time he enlisted? That is just and equitable to the soldier who became a veteran, and it is just and fair to the soldier who enlisted before the President called for his three hundred thousand more. Show me the difference, Mr. Chairman of the Committee on Military Affairs.

Now, as to the second proviso, why is there any doubt about it today? Why is it that the soldier who was honorably discharged did not, in fact, receive the bounty provided for under the act of 1863? It grew out of a misconception of the act of Congress of 1865. Congress, by section 4 of the act of March 3, 1865, provided as follows:

That every non-commissioned officer, private, or other person who shall hereafter be discharged from the Army of the United States by reason of wounds received in battle or skirmish, on picket, in action, or in the line of duty, shall be entitled to receive the same bounty as if he had served out his full term. And all acts and parts of acts inconsistent with this act are hereby repealed.

Now, Mr. Chairman, the War Department, under date of June 26, 1863, had promulgated this order:

Every volunteer enlisted and mustered in the service as a veteran under this order shall be entitled to receive from the United States one month's pay in advance, and a bounty and premium of \$402.

Before the soldier had claimed the benefit of that order this act of Congress was passed. When the accounting officers of the Department came to consider the original order of the Secretary of War and construed it in connection with this act of Congress, they held that only those soldiers discharged by reason of wounds received in battle were entitled to the provision in the original order.

I am not going to discuss whether that was right or wrong. Congress in this fourth section limited the provision to discharges because of wounds received in battle. There was no such provision in the order of the Secretary of War which I read, and under which these thousands of men came up in the hour of their country's need and marched to the defense of their flag. If Congress afterward used this language which led the accounting officers to make this mistake, we men to-day representing the people of this country, and I care not where those people be, North, South, East, or West, the people of this country should dare to do the right thing and not count the cost. [Applause.]

Mr. ROGERS. It turns out the point I made against the bill is now conceded by the chairman of the Committee on Military Affairs, namely that it was an effort on the part of the present Congress to place the men who had not conformed to the law under which they were mustered on an equal footing with those who were mustered in and had conformed to the law. That being conceded to be the fact I am willing to follow the gentleman from Wisconsin, if his motion to strike out prevails, with an additional proviso, to which I now invite his attention,

which I shall propose to add after the word "discharge," in line 10, as follows:

Provided they served in all two years.

That would place officers, who were promoted for gallantry or for distinguished or meritorious services who had been mustered in as privates, on an equal footing with those who had served for two years as privates, and not take from them anything by reason of the fact that they had been promoted during the two years' service; so that with the amendment of the gentleman to strike out the two provisos in the first section and the adoption of this amendment these soldiers who, for meritorious services, were promoted from privates to officers would get all they would have got under the law if they had served for two years as privates; and that was all the law required. That was the contract, the bond. And it is too late now, at the end of twenty years, for anybody to ask us to reform the contracts or make new ones. We will have enough to do if we stand by the contract and carry it out in its letter and in its spirit; and it will be carried out in its spirit if we adopt the proviso I have read.

Mr. PETERS. Is it not a fact that before a man could veteranize he must have been in the service two years?

Mr. ROGERS. I do not know that I can answer the gentleman's question.

Mr. BRAGG. I desire to say to the gentleman from Arkansas that his proviso is mere surplusage. By striking out the two provisos they are left under the law which requires they must have served two years.

Mr. ROGERS. If the gentleman is correct in that view I will not press my amendment.

Mr. CANNON. I would like to have the attention of the gentleman from Nebraska [Mr. LAIRD], who has charge of this bill, to see if I can have an understanding what it really means with reference to one particular point. My attention had not been called to this bill until it was before the House for consideration.

Now take the second proviso:

Provided further, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

My understanding of the law has been that soldiers discharged on account of wounds were entitled to bounty though they did not serve for six months or any other time.

Mr. LAIRD. That is not the law. The rule under the construction of the statute was if a man was discharged inside of a service of two years, he could get the hundred dollars if he was discharged for wounds; but if for disability he could not.

Mr. CANNON. Am I correct in understanding that this proviso, if it is enacted, will put these soldiers, discharged on account of disease, precisely on all fours with those who were discharged on account of wounds?

Mr. LAIRD. Exactly; and that is what the proviso is for.

Mr. CANNON. Then I have to say to the gentleman from Wisconsin [Mr. BRAGG] that when he proposes to strike out this proviso to my mind they propose to strike out the principal meritorious provision in the bill, and I will not so vote.

Mr. LAIRD. So far as this member of the Military Committee is concerned, I want it distinctly understood by the gentleman from Illinois and by the House that he is opposed to the adoption of the amendment of the gentleman from Wisconsin [Mr. BRAGG].

Mr. CANNON. One word in conclusion. I am the last man to undertake to criticise the gentleman from Wisconsin [Mr. BRAGG] unkindly. I do not know that I have enough knowledge touching military affairs to criticise him at all; but, as I understand him, true to his policy all along, if I have understood his action from time to time in this House, he proposes by this amendment to so change the law as to benefit the officer, but where the private has even more merit for relief the gentleman is swift to come in and propose to amend his own bill. He proposes to eliminate that part of it which is for the benefit of the private, who in justice and God's chancery is entitled to this relief, while at the same time he is willing to let the officer have the relief.

Mr. BRAGG. Mr. Chairman, the discharge of that last piece of artillery from Illinois was heard here. [Laughter.] I think as much of my army comrades as my friend thinks of his comrades during the war, who I believe were not in the Army. [Renewed laughter.] The object of striking out the proviso is to make this bill conform to the law as it now stands, to make the decision of the Department as it should have been, and to add no new cases by increasing the bounty at this time. Every private soldier who served his two years and was discharged on account of wounds or disability received his bounty under the law. The law fixed the title to the bounty at two years' service unless where the man was discharged by reason of wounds contracted in the service; in that case the Department made a ruling and a discrimination in favor of the wounded soldier. Now, I propose by striking out this proviso to leave all the classes as the original law placed them, and to add no new classes. It is said that I have moved to strike out a portion of my own bill. In one sense that may be so, although I did not report this bill to the House. I am not supposed to be personally responsible for every bill that comes to this House

from the Committee on Military Affairs, though I take it my friend from Illinois [Mr. CANNON] will admit that I am willing to shoulder all the responsibility that I ought to have, and sometimes a little more than I ought to have, from a slight idiosyncrasy of mine which occasionally prompts a desire to get into a muss after my blood has been cooling a long time and I am suffering from ennui. [Laughter.]

Mr. CANNON. Will the gentleman allow me to make a suggestion in good faith in regard to his bill?

Mr. BRAGG. Certainly.

Mr. CANNON. As I understand it, under the existing law or under the first section of this bill, these officers can not receive this compensation without legislation. That is, you propose to change the law?

Mr. BRAGG. No, sir.

Mr. CANNON. Then why is this legislation necessary?

Mr. BRAGG. We propose to change the rule of construction of the Department and to make the construction uniform. The present Department officers regard themselves as bound by the former rulings in regard to these old cases. The new cases that come up before the Comptroller will pass under the law as the law reads, but these old cases are tied up under the previous rulings of the Department, and the object here is to re-enact the law.

Mr. CANNON. That is, to legislate.

Mr. BRAGG. No, sir. The purpose is to tell the Auditor of the Treasury what the law was that was passed on the 22d of July, 1861. That is all.

Mr. Chairman, I move that the committee rise for the purpose of limiting debate upon this bill.

Mr. BOUTELLE. Mr. Chairman, I desire to offer an amendment to this section.

The CHAIRMAN. When the committee resumes its session (if it shall now rise) amendments will be in order.

Mr. BLAND. I hope we shall not close discussion until the opponents of this measure have had an opportunity to say something. I have been trying for some time past to get the floor to offer some observations against this bill.

The question being taken on the motion that the committee rise, it was agreed to, there being—ayes 83, noes 36.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes, had come to no resolution thereon.

Mr. BRAGG. I move that the House again resolve itself into Committee of the Whole for the further consideration of House bill No. 7895; and pending that motion I move that all debate in Committee of the Whole on the pending paragraph and amendments be limited to one minute.

Mr. BLAND. The opponents of the paragraph have thus far had no opportunity to debate it. I move to amend the motion of the gentleman from Wisconsin by striking out "one minute" and inserting "thirty minutes."

The amendment of Mr. BLAND was agreed to; there being—ayes 73, noes 54.

The motion, as amended, to close debate was agreed to.

The question recurring upon the motion of Mr. BRAGG that the House again resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pending bill, it was agreed to.

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

The CHAIRMAN. Debate on the pending paragraph of this bill and all amendments thereto has, by order of the House, been limited to thirty minutes.

Mr. BLAND. Mr. Chairman, inasmuch as the friends of this proposition disagreed as to what the law has been and what the law ought now to be declared to be, it seems to me this committee would do well to go back twenty years to the time when the statutes under consideration were enacted, when these military orders were promulgated, when the rulings of the War Department were made upon matters then fresh in the minds of the officers making the decision. The contemporaneous decision given to the law by the officers whose duty it was then to decide as to the effect of the law and the military orders under it is entitled to very great consideration. The officers who at that time had jurisdiction to interpret the law and carry it into effect, when everything pertaining to a just interpretation of the law and the military orders was before them, made a deliberate decision upon this question; and we should not at this late day undertake to reverse that decision upon a mere question as to whether or not we are able, as claimed by some gentlemen, to pass this measure as a matter of gratuity or bounty to the individuals interested.

As a matter of bounty, I suppose it may be contended that we are fully competent to meet the demand; and if it is to be considered as a gratuity or probably as a matter of just reward based upon the idea of paying men for valuable services, though the payment be not founded upon any legal obligation, we with our hundred millions of surplus in the Treasury to-day are doubtless fully able to meet all these demands.

My friend from New York [Mr. HEWITT], whom I do not see in the House, warned this committee and the country against excessive taxation—a very just and appropriate warning indeed; but he did not go far enough; he did not state the whole case. The difficulty is not only that the taxes as heretofore collected have been onerous, but that they are continuing to-day, and by this system of taxation over a hundred million dollars is hoarded away in the Treasury vaults, the officers of the Government refusing to pay it out in settlement of the public debt. I wish my friend from New York were here, because as I understand from his report as a member of the Committee on Ways and Means he still insists on holding in the Treasury this \$100,000,000—an invitation for the very legislation which he here so much deprecates.

Mr. Chairman, if we do not desire legislation of this sort, if, as claimed by the gentleman from New York, we are not in a condition to-day to further tax the people of this country, it would be good policy for him and other members occupying similar ground not only to advocate the reduction of taxes, but to urge the payment of the surplus upon the public debt, thus relieving the burden of the interest-bearing obligations of the Government. When that shall have been done and taxes reduced, we shall probably hear no more of these extravagant demands upon the tax-payers of this country.

Mr. Chairman, I am opposed to this bill, because I believe the accounting officers whose duty it was to adjudicate and determine these accounts at the time when the question was originally presented understood the rules and orders bearing upon the subject, and that their contemporaneous construction has done justice and equity to all classes concerned.

Mr. WOLFORD. Mr. Chairman, the contract made with the soldier for bounty when he went into the Army was made under the authority of an act of Congress, and proclaimed by the President of the United States through the Secretary of War, that proclamation saying to the citizen, "If you enlist to serve three years or during the war you shall have a bounty of \$100." Another contract was made at a later day when the Government proclaimed, "If you re-enlist you shall have a bounty of \$400." There was an act of Congress passed, I admit, which said that those who were wounded should receive the bounty, though they might have been wounded only a few days after they accepted this offer of the Government—those who were wounded, not those who were taken sick.

The proviso in the bill cuts off brave men in our Army who enlisted under the promise of the Government they should receive this bounty. It cuts them off; it cuts off every man who was taken sick.

It is not worth while to say to me, Mr. Chairman, that the Government of the United States has a moral right to do so. I appeal to the gentleman from Arkansas [Mr. ROGERS] that it is not worth while to say you have a moral right to make a contract. The contract was made when the soldier enlisted, and everything which the Government may have afterward declared did not in any way vitiate the right of the soldier to this bounty under that promise. The Government could make no law in justice to limit that bounty. The Government could not say to a man if you get sick in the Army you shall not get the bounty which we promised you when you enlisted.

The Government promised to give that bounty, and it is bound to execute that promise. I do not care what side gentlemen took in that war, they are all brave men, and behaved most honorably, they have the dignity and the honor to insist the Government shall keep its promises to its soldiers.

The promise of the Government clearly was to these soldiers if you enlist and serve so long you shall receive a bounty. I do not care on what gentlemen may have served in the late war. I feel confident they hold this Government has no right to nullify that contract made by the Government with its soldiers and deny the payment of bounty because a soldier may have been sick.

There is another reason why I oppose the amendment of the committee. No man will say because the Government has the power it ought to violate a contract with a sick soldier.

[Here the hammer fell.]

Mr. HEPBURN. Mr. Chairman, I want to call attention to the very extraordinary language used a while ago by the gentleman from New York [Mr. HEWITT]. He says, when referring to the members of this House who were members of the confederate army, or are representing Southern States, "Yet they have come up manfully to all their obligations, but their mouths are closed, and it is not honest or honorable to press these measures on people who are not able to either express dissent or to give negative votes in silence."

These measures the gentleman refers to are in the pending bill and all kindred subjects; propositions to pension widows; propositions to simplify the pension laws; propositions to carry out and fulfill contracts which were made twenty years ago by the Government with its soldiery.

The gentleman says it is not honest or honorable to press these measures upon these men. When, Mr. Chairman, did it become dishonorable for a great nation to carry out its pledges? When did it become dishonorable for a great nation to be fair and just to those whom it induced to enter its service? Why is it dishonest and dishonorable? There are men on this floor who were in the rebellion at one time

against the Government; but through the largess, through the bounty, through the humanity, if you choose, of the dominant party, they hold seats to-day here upon this floor. Yet the gentleman says it is dishonorable to press these questions on them because they can not give negative votes in silence.

Why not? What is there to prevent any gentleman on that side expressing himself on any one of these propositions if he wants to? Is it because there is a great party necessity on the part of those gentlemen to assume to occupy a position on these questions which they do not really occupy? Is that the reason why they should keep silent or why they can not give negative votes? I deny it. Those gentlemen are not in a situation their friend and advocate would assume they are. The debate on this question negatives that. These gentlemen, or a number of them, have expressed themselves through their votes and through their speeches.

I take it, therefore, the special reason why the gentleman from New York thought it was dishonorable, why it was dishonest to press these men, was not the real one. It is simply because he is opposed to this class of legislation, simply because it is in his line, because he believes it to be his duty, as one of the marked and recognized leaders of the Democratic party, on all occasions when he may have the opportunity to oppose this class of legislation when it can be safely and securely done.

[Here the hammer fell.]

Mr. LAIRD. Mr. Chairman, it is no more than right that some person on the Committee on Military Affairs should express his dissent from the attitude of the chairman of that committee, and his opposition to the amendment offered by the chairman and now pending. Without any discussion of the merits of the question I wish to say that I supposed this matter was fairly considered in the committee and understood by all of its members; and so far as I know it came here backed by the unanimous vote of that committee. I certainly trust that the House will do one of two things in this matter—that they will without further delay, after the expiration of these thirty minutes for debate, vote these amendments up or vote them down, and then that all the votes of this measure will promptly lend their assistance to obtain a final vote on what then remains of the bill.

Some expressions dropped from the gentleman who was last upon the floor in opposition to the bill with reference to what he called the "contemporaneous construction" of the auditing officers of the Government of this law at the time it was enacted and in force.

Mr. Chairman, you had just as well attempt to give the dignity of legal decisions to the wild sayings of the soothsayers and astrologers of the Dark Ages as to give the construction of law to the opinions of a parcel of clerks—ministerial officers of the Departments of the Government—when they assail the cold letter of the law upon which these men stand for their guaranteed rights.

If there is equity in the case of the veterans, there is equity in the case of the other persons covered by the two provisions of the bill which the chairman of the committee proposes to strike out.

Mr. BLAND. I would like to know what these auditors and officers to whom the gentleman refers are made for.

Mr. LAIRD. In this case they seem to have been made to rob the most meritorious class of soldiers in the field, and that apparently with the sanction of the gentleman from Missouri and the gentleman from New York [Mr. HEWITT].

Mr. BLAND. But the gentleman is certainly aware of the fact that the gentleman from Wisconsin, the chairman of the committee, and the gentleman from Nebraska himself, a member of that committee, differ very materially as to what the construction of the law is. They are not agreed upon the law, and hence since there was doubt upon the question I was quite willing to take the contemporaneous construction of the accounting officers of the Government.

Mr. LAIRD. The accounting officers stole the money from the soldiers by such a decision, and if you desire to back them up in it you are welcome to your privilege.

Mr. SOWDEN. Mr. Chairman, when I was taken off the floor by the gentleman from Wisconsin [Mr. BRAGG] I had intended to offer an amendment striking out the first proviso in the first section of the bill; but the gentleman's amendment includes this, and I hope, therefore, that it will prevail so far as this proviso is concerned. It reads as follows:

*Provided, That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full time of their enlistment and received an honorable discharge.*

If this proviso is allowed to stand a manifest injustice would be done those private soldiers who had to serve their full term of three years in the ranks in order to obtain the \$100 bounty provided for under the act of July 22, 1861. It would be an unjust discrimination in favor of these officers who were promoted from the ranks, and which promotion carried with it increased compensation. Why should these officers receive the bounty intended only for those brave soldiers who carried the musket?

These soldiers received but \$13 per month. In every case where one of these soldiers was promoted to a captaincy he received the monthly allowance of \$118.50 instead of \$13 per month, and it would be mani-

festly unfair to his comrades who served in the ranks for the full term of their enlistment before they could receive the benefits of the act of July 22, 1861, were these officers to receive the bounty proposed in this proviso in addition to his largely increased pay. If he had been promoted to the lowest grade in line or to a second lieutenantcy he would have received pay at the rate of \$103.50 per month. So that it would seem almost unwarrantable to pass this bill unamended by striking out the first proviso.

The second proviso should be retained. It is the most meritorious provision in it, and reads as follows:

That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

This provides for a class of soldiers not covered by the act of March 3, 1863, and who should have been provided for in said act. Why should not the soldier who served his country for one year and ten months of his term, and who was honorably discharged on account of disability contracted in the service other than for wounds, be entitled to the benefits of the act of July 22, 1861? Are not the equities all with him?

Mr. BROWN, of Pennsylvania. Do I understand my colleague from Pennsylvania to say that he is in favor of striking out the provisos?

Mr. SOWDEN. I am in favor of striking out the first one.

Mr. BROWN, of Pennsylvania. Only the first, leaving the second to remain?

Mr. SOWDEN. Certainly. I think I have made myself sufficiently clear on this point.

Mr. BROWN, of Pennsylvania. If you strike out the second proviso, you strike out every virtue in the bill except those which apply to officers themselves.

Mr. SOWDEN. There is no occasion for any misunderstanding between my colleague and myself, for we seem to agree upon the main subject in controversy. The principal object of the bill before the House is to relieve those men who re-enlisted as veterans, and who while serving as such were mustered out of the service to receive promotion. Why should not these men receive the benefits to which they had become entitled by reason of their re-enlistment as veterans under general orders of the War Department dated Washington, June 25, 1863?

The Government agreed to give those men that re-enlisted under this order \$402 bounty, and why should they not receive the benefits of their contract if they re-enlisted under the inducement held out to them by the Government under this order? These men accepted the terms offered them by the Government when they re-enlisted as veterans. And why should not the Government keep its faith with them? Is it to be said because these men after their re-enlistment as veterans were promoted that they should be deprived of the benefits of the contract? Is the Government to be relieved from its solemn obligation to its soldiers upon such trivial grounds? Oh, no. It should keep its promises and fulfill its obligations to these veteran soldiers even though they were promoted subsequently to their re-entering the service as veterans. The discussion that has been had on this bill upon both sides of this House is to be deprecated. Issues have been discussed that had better been left untouched.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. I desire to ask a question for information. By whom was the construction made of the statute that has been referred to, and when was that construction given? I should be glad to receive an answer to that question from the chairman of the Committee on Military Affairs, or the gentleman who has charge of the bill, or any other gentleman who is acquainted with the facts. I understood this act had been construed by a proper officer in a case properly made, and that years ago. Now, I am ignorant of the matter. I do not know by whom that construction was made or when. Can not some of the gentlemen who know the facts tell us?

Mr. GOFF. If the gentleman will allow me I will answer his question.

Mr. BRECKINRIDGE, of Kentucky. I yield to the gentleman with pleasure.

Mr. GOFF. I have before me the general order of the War Department, No. 191, for the year 1866, in which the original order of the War Department offering the bounty of \$402 was construed in connection with the act of March 3, 1865.

Mr. BRECKINRIDGE, of Kentucky. Who was at that time the Secretary of War? Who signed that order?

Mr. GOFF. The order was issued in the year 1866.

Mr. BRECKINRIDGE, of Kentucky. Who signed it?

Mr. GOFF. I have not the order here in full; I have only the extracts as given by the Military Committee.

Mr. BRECKINRIDGE, of Kentucky. What is the date of the order?

Mr. GOFF. July 28, 1866.

Mr. BRECKINRIDGE, of Kentucky. Who was the Secretary of War who gave that construction?

Mr. CUTCHEON. It was either Mr. Stanton or Ulysses S. Grant.

Mr. GOFF. The construction was based on the act of 1865, which used the language "any soldier who shall have been discharged on account of wounds received in the service." Now, the accounting officers

of the Treasury construed that act to be a limitation by Congress of the original order of the War Department. I ask the gentleman from Kentucky, is it fair, is it equitable, for this great Government over two years after these soldiers have veteranized to come and by its legislative department restrict the operations of the order under which they enlisted?

Mr. BRECKINRIDGE, of Kentucky. I will say that question should have been directed to the late Mr. Stanton or to General Grant.

Mr. STEELE. I do not understand that the Secretary of War made the construction to which the gentleman from Kentucky is referring.

Mr. BRECKINRIDGE, of Kentucky. As I understand the matter, in 1865 Congress passed an act concerning the soldiers who had served the country, and the Secretary of War at that time, either Stanton or Grant, construed that act, and now in 1886 we are called upon by legislative action to reverse that action of the Congress of 1865.

Mr. STEELE. The gentleman from Kentucky is entirely in error. It is the construction not of the Secretary of War but that of the Auditor to which he is referring.

Mr. BRECKINRIDGE, of Kentucky. I am merely proceeding on the information which I received from the gentleman from West Virginia [Mr. GOFF]. All I desire is the accurate fact. The gentleman from Indiana says it was not the Secretary of War who gave the construction as I understood the gentleman from West Virginia to state. Will some gentleman settle which is right and which is wrong?

Mr. STEELE. I did not understand the gentleman from West Virginia to say that the Secretary of War construed the law.

Mr. BRECKINRIDGE, of Kentucky. I understood the gentleman to say so. If that is the fact, we have for twenty years been acting under a construction given by officers of the Government.

Mr. GOFF. I hope the gentleman will not misunderstand me. What has been carried out is a construction by the accounting officer of the order of the Secretary of War in connection with the act of 1865.

Mr. BRECKINRIDGE, of Kentucky. Now, that construction has continued through the various administrations since 1866. Congress has been in session every winter all that time. There has, therefore, been during that time this crying injustice which the gentleman from West Virginia characterizes with so much earnestness and to which the gentleman from Nebraska [Mr. LAIRD] applied the strong word of "robbing."

Now, the point I make is this: Is it not fair to presume that just after the war, in the heat of the gratitude for peace, that construction was far more apt to be the correct one, in accordance with the simple doctrine of contemporaneous construction of an act, than the construction now put by my friend from Nebraska and the gentleman from West Virginia?

Mr. STEELE. Sometimes constructions are made by necessity.

Mr. BRECKINRIDGE, of Kentucky. And I will say, in answer to the gentleman from Nebraska, I believe we on our part want bygones to be bygones except in our admiration for the heroism of the soldier. [Here the hammer fell.]

The CHAIRMAN. The time for debate has expired. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. BRAGG].

The Clerk read as follows:

Strike out all of the first section after the word "discharge," in line 10, namely the following:

"That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge: *Provided further*, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds."

The committee divided; and there were—ayes 62, noes 117.

So the amendment was rejected.

Mr. HOLMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "Army," in line 5, insert the following:  
"And the widows of such of said soldiers as may be deceased."

The amendment was agreed to.

Mr. BOUTELLE. I offer as an amendment to the first section what I send to the desk.

The Clerk read as follows:

In section 1, line 3, strike out the word "soldier" and insert "enlisted men in the military or naval service of the United States or in its Marine Corps."  
In line 5, after the word "Army," insert "naval or Marine Corps."

Mr. BOUTELLE. I hope the chairman of the Military Committee will accept that amendment, as it simply extends the benefit of this act to the naval and Marine Corps.

The CHAIRMAN. Debate is not in order.

The question being taken, the chairman stated that the ayes seemed to have it.

Mr. BOUTELLE. I call for a division.

The House divided; and there were—ayes 98, noes 50.

Mr. BRECKINRIDGE, of Arkansas (in his seat). No quorum has voted.

The CHAIRMAN. No gentleman has risen in his place and made the point of order that no quorum has voted.

Mr. BRECKINRIDGE, of Arkansas. I rise and make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair understood the gentleman from Arkansas to make the point of order. The Chair will appoint as tellers the gentleman from Maine [Mr. BOUTELLE] and the gentleman from Arkansas [Mr. BRECKINRIDGE].

The House again divided; and the tellers reported—ayes 108, noes 26.

Mr. BRECKINRIDGE, of Kentucky. No quorum.

The CHAIRMAN. No quorum having voted, the Chair will cause the roll to be called, in accordance with the rule of the House.

Mr. WEAVER, of Iowa. Mr. Chairman, my colleague, Mr. MURPHY, is at home sick.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams, J. J.	Davenport,	Kelley,	Ryan,
Aiken,	Davidson, R. H. M.	Ketcham,	Scranton,
Anderson, J. A.	Dorsey,	Kleiner,	Seymour,
Barnes,	Dougherty,	Le Fevre,	Singleton,
Barry,	Ellsberry,	Loving,	Spriggs,
Belmont,	Ermentrout,	Matson,	Springer,
Brady,	Findlay,	McKinley,	Tarsney,
Browne, T. M.	Fisher,	Milliken,	Taulbee,
Brumm,	Foran,	Murphy,	Taylor, E. B.
Buchanan,	Forney,	Negley,	Thomas, J. R.
Bunnell,	Gallinger,	Norwood,	Throckmorton,
Burnes,	Gibson, C. H.	Oates,	Townshend,
Bynum,	Gibson, Eustace	O'Donnell,	Trigg,
Caldwell,	Gillfillan,	O'Ferrall,	Tucker,
Collins,	Glover,	Outhwaite,	Wait,
Compton,	Green, W. J.	Parker,	Warner, A. J.
Crain,	Harmer,	Payson,	Weber,
Croxton,	Henley,	Phelps,	Wellborn.
Culbertson,	Jackson,	Pierce,	
Curtin,	Johnston, T. D.	Robertson,	

The roll-call being completed, the committee rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having found itself without a quorum, the chairman had caused the roll to be called and now reported to the House a list of the absent members.

The SPEAKER. The Clerk will report the names of the absentees. The names were then read as above recorded.

The SPEAKER. The report shows 69 absentees. Their names will be entered on the Journal; and as the report shows that more than a quorum is present, the committee will resume its session.

Mr. BRUMM. Mr. Speaker, I was absent from the Hall temporarily. Can not my name be entered as present?

The SPEAKER. This is a proceeding in the Committee of the Whole, and the rule requires that the names of those who failed to respond there shall be entered on the Journal.

The Committee of the Whole resumed its session, Mr. CRISP in the chair.

The CHAIRMAN. The tellers will again take their places.

Mr. RANDALL. Mr. Chairman, I desire to make a suggestion to the House.

The CHAIRMAN. The gentleman may proceed by unanimous consent.

Mr. RANDALL. This bill comes from the Committee on Military Affairs, which is under the control of this House and is in harmony with its majority. I beg respectfully to suggest that the majority who vote upon this bill will be responsible for its condition and for its passage; and it occurs to me that there ought not to be any delay or obstruction interposed with a view to prevent the final judgment of the House as to the proper disposition of the bill.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, this bill, as I understand it, is not here by anything like the concurrent sentiment of the Committee on Military Affairs.

Mr. RANDALL. There is no minority report.

Mr. BRECKINRIDGE, of Arkansas. There is no minority report, as is suggested by the gentleman from Pennsylvania [Mr. RANDALL], but neither is there any agreement among the members of the committee upon the floor of the House as to any of the features of the bill. This bill comes here without estimates, and even if it had estimates its provisions would meet with my profound opposition. Not only is it not reported by the unanimous voice of the committee, but I am informed by the gentleman from Texas [Mr. REAGAN] that there are a number of provisions in the bill which have never been even considered by the Committee on Military Affairs.

Mr. LAIRD. Is the gentleman from Texas a member of the Committee on Military Affairs? I have never seen him there.

Mr. REAGAN. I am not a member of that committee, but I am a member of this House, and I have seen the amendments put upon the bill here.

Mr. LAIRD. Can we count upon that side of the House giving us a vote if the amendment now pending is withdrawn?

Mr. BRECKINRIDGE, of Arkansas. No, sir; because I am opposed to this bill. I am willing to stand by the contract as construed by Secretary Stanton and the legislation of 1865. I believe that the range of our pension legislation is broad enough. [Cries of "Regular order!"]

Mr. HISCOCK. If the gentleman from Arkansas [Mr. BRECKINRIDGE], a member of the majority of this House, proposes to filibuster against a bill reported by the Committee on Military Affairs of this House, then I shall insist that he shall have an opportunity to make an explanation. [Renewed cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded. The tellers will resume their places.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to make a parliamentary inquiry. The Committee of the Whole having risen after the vote was announced, and no quorum having voted, is not the case exactly as if no vote had been taken?

The CHAIRMAN. The Chair understands that the Committee of the Whole resumes its session exactly as it was at the time the roll was called, when a vote was being taken by tellers on the amendment of the gentleman from Maine [Mr. BOUTELLE].

Mr. BRECKINRIDGE, of Kentucky. But the vote was announced by the Chairman.

The CHAIRMAN. The Chair understands the practice to be as the Chair has stated.

Mr. BRECKINRIDGE, of Kentucky. But the previous count was completed, although no quorum was developed.

The CHAIRMAN. The Chair understands that the Committee of the Whole now resumes the count at the point which had been reached when the roll was called.

Mr. BRECKINRIDGE, of Kentucky. That vote was announced by the Chair, and no quorum voted.

The CHAIRMAN. The Chair understands that it is the practice in a case of this kind to continue the count.

Mr. BRUMM. I rise to a question of order. Is it in order to have discussion proceeding on the floor while the vote is being taken by tellers?

The CHAIRMAN. The gentleman from Kentucky stated that he rose to a question of order. The Chair, confessing his inexperience, is always anxious to hear any suggestion made by any gentleman in regard to the rules.

The tellers (having completed the count) reported—ayes 127, noes 72. So the amendment was agreed to.

Mr. WHITE, of Minnesota. I desire to offer an amendment.

Mr. BRAGG addressed the Chair.

The CHAIRMAN. If the gentleman from Minnesota [Mr. WHITE] will withhold his amendment for a moment, the Chair will first recognize the chairman of the Committee on Military Affairs [Mr. BRAGG], who desires to submit a proposition.

Mr. BRAGG. With a view of disposing of this question and making the bill conform, as I think, to the views of nearly all the members of the House—

The CHAIRMAN. Under the order of the House debate is not in order.

Mr. BRAGG. I was not debating; I was simply stating what I desire unanimous consent to offer at this time without waiting to go through the bill. I propose to offer a proposition in the nature of a substitute for the whole bill, changing its verbiage and covering the act of 1861. This, I think, will be satisfactory to a majority of the House; indeed I hope the vote upon it will be almost unanimous.

Mr. BRECKINRIDGE, of Arkansas. Let it be read, the right to object being reserved.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the bill just sent up by him be accepted as a substitute for the pending bill.

Mr. RANDALL. The gentleman has the right to offer it as a substitute.

The CHAIRMAN. But the Chair would suggest if the gentleman offers it as a substitute the present bill must first be gone through with and perfected before the substitute can be voted upon. The gentleman from Wisconsin, however, asks unanimous consent to submit the proposition now.

Mr. BRAGG. Without waiting for further discussion.

The CHAIRMAN. The Chair will cause the proposed substitute to be read, and will then ask if there be objection.

Mr. DUNHAM. I rise to a parliamentary question. What has become of the amendment which the gentleman from Minnesota [Mr. WHITE] sent up?

The CHAIRMAN. Unless unanimous consent be given to the proposition of the gentleman from Wisconsin, the amendment of the gentleman from Minnesota will be in order. If the gentleman from Minnesota objects, his amendment will now be read.

Mr. WHITE, of Minnesota. I will not do that.

Mr. RANDALL. I submit that the gentleman from Wisconsin has the right to offer the substitute now, though the Committee of the Whole can not vote upon it until the amendments pending to the section are disposed of.

The CHAIRMAN. The Chair will first entertain amendments to the pending section, unless by unanimous consent this proposition of the gentleman from Wisconsin be accepted.

Mr. HISCOCK. Let that proposition be read before objection is asked for.

The CHAIRMAN. The Clerk will read the proposition sent to the desk by the gentleman from Wisconsin.

The Clerk read as follows:

Strike out all after the enacting clause of the bill and insert the following:

That all soldiers of the late war who served as enlisted men for two years under the act of July 22, 1861, and afterwards were discharged to receive promotion and receive commissions as officers in the Army, shall be paid the bounty which was withheld from them on account of their being so commissioned and mustered, the same as they would have been entitled to receive had they completed their term of enlistment without promotion and received an honorable discharge.

SEC. 2. That all advance payments of bounty, or balances of the same, which were deducted from the pay of enlisted men, by reason of their having been discharged for promotion, after having re-enlisted as veterans, shall be repaid to such as are entitled thereto by the provisions of this act; and in case of the death of the officer or soldier entitled to the benefits of this act, the amount of money found due him shall be paid to his widow, heirs, or legal representatives; and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sums due in each individual case.

SEC. 3. That all acts and parts of acts inconsistent with this act are hereby repealed.

The CHAIRMAN. Is there objection to this proposition?

Mr. NELSON. I object.

The CHAIRMAN. Objection being made, the amendment of the gentleman from Minnesota [Mr. WHITE] will now be read.

The Clerk read as follows:

Add to the first section of the bill the following:

"And provided further, That all volunteer soldiers who re-enlisted as veteran volunteers, and were commissioned officers in the Army, and who were discharged on the order of the War Department for the reason of being rendered supernumerary on consolidation, shall be paid the bounty due them had they been mustered out for any other reason."

The amendment of Mr. WHITE, of Minnesota, was rejected; there being—ayes 25, noes 85.

Mr. BRAGG. I move that the committee now rise.

Mr. HISCOCK. I will say to gentlemen on the other side that we are willing to stay here longer. They need not rise if they do not wish to do so.

Mr. BRAGG. At 5 o'clock a recess must be taken under the order of the House.

Several MEMBERS. Regular order!

The question being taken on the motion of Mr. BRAGG that the committee rise, there were—ayes 85, noes 71.

The CHAIRMAN. The motion that the committee rise is agreed to; but the Chair will state that, as the hour of 5 o'clock has arrived, the committee, in pursuance of the previous order of the House, would rise at any rate.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes, had come to no resolution thereon.

Mr. BLAND. I move that the House adjourn.

The SPEAKER. The hour of 5 o'clock having arrived, the House, in pursuance of its previous order, takes a recess until half past 7 o'clock this evening.

#### EVENING SESSION.

The recess having expired, the House (at half past 7 o'clock p. m.) was called to order by the Clerk, Hon. JOHN B. CLARK, Jr., who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,  
Washington, D. C., May 5, 1886.

SIR: I hereby designate Hon. BENTON McMILLIN to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, Speaker.

Hon. JOHN B. CLARK, Jr.,  
Clerk, House of Representatives.

Mr. McMILLIN accordingly took the chair as Speaker *pro tempore*. The SPEAKER *pro tempore*. The Clerk will read the resolution under which the House assembles to-night.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, April 27, 1886.

Resolved, That Tuesday and Wednesday, 4th and 5th of May next, after the expiration of the morning hour on each of such days, be, and are hereby, set apart for the consideration of such general bills as may then be upon the Calendars of the House reported from the Committee on Military Affairs, consideration to be in the order designated by the committee, and not to interfere with general appropriation bills; and that a recess be had at 5 o'clock p. m. to 7.30 p. m. on each of said days, and evening sessions be devoted to said purpose.

#### REORGANIZATION OF THE ARMY.

Mr. STEELE. Mr. Speaker, I desire to call up for present consideration from the Calendar the bill (H. R. 7634) to increase the efficiency of the line of the Army, and for other purposes.

Mr. NELSON. I would inquire if that is the bill which was under consideration when the House took a recess?

Mr. STEELE. That is not the bill.

The SPEAKER *pro tempore*. There was no bill under consideration in the House. The Committee of the Whole was considering a bill at the time of the recess to-day.

Mr. NELSON. I call for the regular order.

Mr. RANDALL. Let us have the order of business in progress when the House took a recess.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill called up by the gentleman from Indiana.

The title of the bill was read.

Mr. RANDALL. Let us dispose of the bill under consideration where we left off.

The SPEAKER *pro tempore*. The business left off at the time of the recess was in the Committee of the Whole House on the state of the Union. There has been no motion made on the part of any member of the Committee on Military Affairs or of the House to go into Committee of the Whole for the further consideration of that bill, which can only be reached in committee.

Mr. STEELE. The bill I called up is on the House Calendar.

Mr. BLAND. Let the bill be read for information.

Mr. LAIRD. Mr. Speaker, would it be in order to move to go into Committee of the Whole for the further consideration of the bill which was the unfinished business at the time of the recess?

The SPEAKER *pro tempore*. That would not be in order, until this bill is disposed of in the absence of any motion to that effect, this bill having been called up prior to any motion to go into Committee of the Whole, unless the gentleman from Indiana withdraws his motion.

The Chair will state to the gentleman from Nebraska that the order under which the House assembles to-night provides that the bills shall be considered in the order designated by the Committee on Military Affairs.

The Clerk will report the bill called up by the gentleman from Indiana.

Mr. BLAND. This bill is subject to the point of order that it should have its first consideration in the Committee of the Whole House on the state of the Union.

Mr. STEELE. It is not subject to the point of order, as it does not increase expenses. It is true that it requires an appropriation for the Army; but in no case does it increase expenses.

Mr. BLAND. It appropriates money.

Mr. RANDALL. The question is whether it requires an appropriation to be made. It may involve an appropriation of money without being subject to the point of order; but if it requires an appropriation to be made it is subject to the point of order.

Mr. BLAND. It fixes the salary of all the officers of the Army.

Mr. HEWITT. But that does not appropriate any money.

Mr. RANDALL. I want to ask the gentleman from Indiana not to bring this bill up now. There is no quorum present. We adjourned on another bill because we had not a quorum, and perhaps there is not likely to be introduced a bill at this session on the subject of the Army more important than this one. It makes changes, and is in fact a complete reorganization of the Army. It is in many particulars the same bill that was considered in the Senate, and failed after a week's discussion.

Mr. STEELE. I beg the gentleman's pardon; it is nothing like it.

Mr. RANDALL. Without material distinction it is the same. While this differs in some particulars, it is in many respects like the other.

Mr. STEELE. It is very different. In the first place it decreases expenses while the other increases them.

Mr. RANDALL. Yes; the other proposed to increase the Army to thirty thousand, and that feature is not here.

Mr. STEELE. No. There is no increase in this bill; but, on the contrary, there will be a decrease of over \$100,000 a year.

Mr. RANDALL. I only desire to say that I am unwilling to part from the consideration of the bill lately before the House in view of the fact that this afternoon we could do nothing in the absence of a quorum.

Mr. BROWN, of Pennsylvania. Can we proceed with the other bill without a quorum?

Mr. RANDALL. We can not proceed at all without consent unless there be a quorum present.

Mr. STEELE. I understand that we took a recess by reason of a prior order of the House.

Mr. RANDALL. I will demand a quorum on this bill. The gentleman may as well be aware of that fact now, for there is no use to ask us to consider a long bill like this, and a measure of such importance as this, in the absence of a quorum of the House.

Mr. STEELE. I dislike to undertake to go on with the bill where the objections are not made known. If the gentleman will make known what objection he has to the bill a statement may obviate it; but there is nothing now before us to show what ground of objection gentleman may have.

Mr. RANDALL. The objection I have to it is that a bill like this, for the reorganization of the Army of the United States, should not be considered at an evening session without a quorum; and I think that is a valid objection.

Mr. STEELE. This bill has been on the Calendar since April 6, with a report explaining each section of it. I am very sorry that enough members have not read it to insist on going on with it. I would like very much indeed to explain the bill.

Mr. RANDALL. I have no objection to that. I am willing to sit here and listen to the gentleman explaining the bill. But whenever a vote is reached, it must be proceeded with by a quorum.

Mr. STEELE. There is no question about that. Any gentleman can demand a quorum. But gentlemen need not object to the bill without knowing anything about it.

Mr. RANDALL. I have no objection to the gentleman from Indiana speaking as long as he wishes to explain the bill; but I thought it was due to him to make the statement I did.

Mr. STEELE. I do not desire to make a speech, but I would like gentlemen to point out objections which they may think lie against the bill, and I shall then be happy to answer those objections; or, if any objectionable feature in the bill is shown, to strike it out.

Mr. BLAND. I insist on the point of order.

The SPEAKER *pro tempore*. The Chair understands that the gentleman has not waived the point of order. The gentleman from Wisconsin [Mr. PRICE] desires to make a statement.

Mr. PRICE. The gentleman from Indiana has requested that items in the bill which may be objectionable to members may be pointed out. I do not know that I can do that. I have figured on it all day myself, and I give it as my deliberate judgment that the bill would increase the cost of the Army half a million dollars only. I shall show some point on which I base that statement.

Mr. STEELE. I have not yielded the floor.

Mr. PRICE. You asked members to point out objections to the bill.

Mr. ROGERS. I want to make this suggestion. I concur fully in the statement of the gentleman from Pennsylvania [Mr. RANDALL] in regard to this bill, that we can not expect to pass upon a bill of this kind at a night session.

Mr. RANDALL. Without a quorum.

Mr. ROGERS. In the second place I wish to say I would be delighted to hear this bill explained; because, like almost every other member of the House, I feel in this position, that it is utterly impracticable for any of us to read all of the bills and all of the reports that are before us. And I want to suggest another thing. If the gentleman from Indiana expects to get out of the frying-pan by leaving this bill because of the want of a quorum to take up the other one, I want to serve notice on him that when he gets out he will be in the fire, because I shall insist upon a quorum on that bill.

Mr. LORE. I move that the House adjourn.

Mr. STEELE. I make the point that the gentleman from Delaware can not take me off my feet for a motion to adjourn.

Mr. BLAND. Then I insist on my point of order.

Mr. RANDALL. I would inquire of the Chair if a motion to adjourn is not in order?

The SPEAKER *pro tempore*. The motion to adjourn is in order if the gentleman from Indiana yields the floor. Whether he yields it or not, the point of order is made by the gentleman from Missouri [Mr. BLAND] that the bill must receive its first consideration in Committee of the Whole. Pending that the gentleman from Delaware [Mr. LORE] moves that the House adjourn. That motion the Chair thinks is in order. The question is on the motion of the gentleman from Delaware that the House do now adjourn.

The question being taken, there were—ayes 42, noes 62.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The gentleman from Missouri makes the point of order that the bill must receive its first consideration in Committee of the Whole. The Chair will hear the gentleman on the point of order.

Mr. BLAND. I make the point of order on subdivision 3 of Rule XXIII, which reads as follows:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

This bill in section 27 provides:

That captains and lieutenants of the Army shall be entitled to the pay herein stated after their respective designations.

Then it proceeds:

Captain, \$1,800 per year.

Assistant surgeon, having the rank of lieutenant, \$1,500 per year.

That, Mr. Speaker, is a proposition involving a tax or a charge upon the people of the country. While the bill may not directly appropriate the money, still it constitutes a salary and claim to be paid out of the Federal Treasury which could be enforced against the Government. Therefore it is a tax or a charge upon the people.

There is another portion of this bill also which I think is amenable to this rule. Section 18 provides:

That the Secretary of War shall cause to be sold at public auction any surplus cavalry horses that may not be required for military purposes.

In that section 18 there is a disposition of public property that also comes within the provisions of the rule. It is an appropriation of public property, and—

All proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or

authorizing payment out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

Clearly this bill constitutes a tax. It establishes salaries or pay of these officers, and whether the bill in terms makes an appropriation or not it will require an appropriation and constitutes a claim against the Government, and therefore under subdivision 3 of Rule XXIII must first be considered in Committee of the Whole, because it involves a tax or charge upon the people in the way of creating offices and fixing salaries.

Mr. STEELE. The gentleman from Missouri admits that this bill does not make an appropriation. He has referred to section 27. Under the present law captains of infantry, cavalry, and artillery draw \$1,800 to \$2,800 per year, according to the longevity pay they get. This bill proposes to make their pay equal, and decreases the amount that is now paid to captains mounted by \$200 a year.

They are already provided for by law, and they are estimated for and appropriated for every year. They are a part of the establishment of this Government. The section to which the gentleman from Missouri [Mr. BLAND] refers, relating to cavalry horses, is also in the line of economy. If any gentleman will take the trouble to look at the report he will see that the saving on forage alone is over \$80,000 a year.

Mr. BLAND. If the gentleman will permit me, the question is not whether the bill increases or decreases expenditures. The bill itself constitutes a tax upon the people by creating salaries of officers. The bill involves the tax or charge; whether that tax be more or less is a question not involved in this controversy at all.

Mr. REAGAN. Mr. Chairman, under subdivision 3 of Rule XXI all motions or propositions involving a tax or charge upon the people must receive their first consideration in Committee of the Whole. That is the first ground enumerated in the rule, and it is a sufficient ground in this case. But in the Forty-fourth Congress, under Speaker Kerr, the old rule received a construction which was adhered to by subsequent Speakers and to which I want to call the attention of the Chair. Speaker Kerr held that in order to bring a bill or other proposition within the rule it was not necessary that it should clearly provide for an increase of expenditure, but that in order to exempt a proposition from the point of order it must appear upon its face that it would reduce expenditure. That, I say, was the construction of the old rule. But it is not necessary in this case to go back to that. If the Chair will look at the first clause of subdivision 3 of Rule XXIII he will see that this bill, involving as it does a tax or charge upon the people, necessarily comes within that rule and is subject to the point of order.

Mr. LONG. Mr. Chairman, I notice on page 313 of the Manual a note which is of importance in connection with this question: "Where a bill may incidentally involve expense but does not directly require an appropriation, it does not necessarily go to the Committee of the Whole." Several references are made.

Mr. STEELE. Mr. Chairman, I yield for the point of order to be decided.

Mr. BRAGG. Mr. Chairman, I have heard this point of order which has been made, and I am very frank to say I do not think there is anything in it as a point of order; and I think it comes too late even if it were a good point. It is too late to make a point of order on a bill after the bill has been read without objection to the House and its consideration has commenced.

Mr. BLAND. Well, Mr. Chairman, I made the point—

Mr. BRAGG. I do not yield the floor just at this moment, Mr. Chairman. I am a little too tired to be excessively good-natured, or else I would. The bill was ordered to be read by the House, and the proceeding for its consideration has already commenced, and can not be interrupted by a point of order, which should have been interposed at the beginning, if at all. So much for that.

Now, upon the merits of the bill, the point of order also fails. I have heard that rule read, and it is like the Constitution of the United States—everybody reads it when it does not "run by his farm;" everybody wants to use it when he thinks it will promote his own purposes. It is a tremendous obstacle, always ready to be raised. Let me say why I think it does not apply in this case. This bill creates no fact which is liable to impose any obligation on the Government.

Why? Because the fact already exists. The fact is not originated by this bill. If this bill created any offices to be filled by salaried officers, then there might be some ground for the objection; but this bill creates no office at all. It simply deals with offices that are already created and already provided for by law, with salaries already fixed; it simply makes a graduation of salaries which already exist, without creating any new salary or imposing any new tax or creating any new liability on the part of the Government. For these reasons, I maintain that the point of order does not attach.

Mr. BLAND. Of course, Mr. Chairman, it is impossible to make a point of order on a bill until the bill is read, and I was on my feet before the conclusion of the reading and made the point immediately after the reading was concluded. Now, sir, I must insist that the question here is not whether this bill increases or reduces expenditures or changes existing law. It comes clearly within the rule, which provides that all motions or propositions involving a tax or charge upon the

people shall be first considered in Committee of the Whole, because this bill does involve a tax or charge upon the people in the way of providing for the salaries of these officers.

The CHAIRMAN. The point of order is made by the gentleman from Missouri [Mr. BLAND] that this bill should have its first consideration in Committee of the Whole. The gentleman from Wisconsin [Mr. BRAGG] makes the point that that point of order was not raised in time. The Chair is inclined to think that is not well taken, for the reason that members would have great difficulty in ascertaining what the nature of a bill or other proposition was before it had been read, and it would be a great hardship upon the House to require members to determine in advance before a measure was read whether it was subject to the point of order or not. The Chair thinks, therefore, that the point made by the gentleman from Missouri was made in time. The Chair is of opinion that if a bill makes an appropriation of money directly or forces an appropriation, if it is such a bill as would require an increased appropriation or an appropriation not now provided for by law, it should be first considered in Committee of the Whole. The Chair is unable to see thus far that this bill does that. It is a regulation concerning the Army; but the Chair is unable to see that the bill itself makes an appropriation or provides new machinery which would require an appropriation if the bill were passed. The Clerk will read from the House Journal of May 17, 1884, page 1247, a ruling made by Mr. Speaker CARLISLE upon this subject in the last Congress.

The Clerk read as follows:

On motion of Mr. TUCKER, the House took up for consideration the bill (H. R. 6074) to change the eastern and northern judicial districts of the State of Texas, and to attach a part of the Indian Territory to said districts, and for other purposes, reported from the Committee on the Judiciary on the 18th of March last, and referred to the House Calendar.

The same having been read,

Mr. JOHN H. ROGERS made the point of order that under clause 3 of Rule XXIII the said bill must receive its first consideration in the Committee of the Whole House on the state of the Union.

After debate on the said point of order,

The Speaker overruled the same, on the ground that under previous decisions it had been held that unless the bill expressly made an appropriation or directly required one to be made, the rule quoted did not apply, the fact that execution of the law might involve an additional expenditure of money not being sufficient to carry the bill to the Committee of the Whole.

Mr. REAGAN. May I say a word upon this question before the Chair rules upon it?

The SPEAKER *pro tempore*. Before the gentleman from Texas proceeds the Chair will say, in order that the gentleman may direct his remarks to this point, that if it could be shown there would be made under this bill an appropriation out of the Treasury, the necessity for which does not exist under the present law, and which would be in excess of appropriations required by existing law, the Chair would be inclined to sustain the point of order.

Mr. REAGAN. The point which is made here, as I understand, is not that there is an appropriation made in the bill; that is not the point—

The SPEAKER *pro tempore*. The gentleman from Texas will suspend a moment until the Chair has read a ruling which was made by the Speaker at the present session upon a question analogous to this.

Mr. REAGAN. What I wanted to call attention to was that these decisions which the Chair cites relate to the point whether the bill in question made an appropriation or not; but that is not the point here.

Mr. BLAND. The question is, if a new bill is presented creating a new office and fixing the salary, whether that is not a subject for consideration in Committee of the Whole. If a bill is reported here creating an office and fixing the pay for that office it is a charge or tax upon the people, and the bill ought to be considered in Committee of the Whole. This bill creates an office and fixes a salary; therefore there is necessarily a charge upon the people. The payment of this salary can be enforced by the officer as a tax upon the people.

Mr. REAGAN. I wanted to point out the difference—

The SPEAKER *pro tempore*. The Chair will ask the gentleman from Missouri [Mr. BLAND] what office is created by this bill.

Mr. REAGAN. I hope the Chair will allow me to state my position. I have not been able to do so yet. The point is not at all that this bill involves an appropriation; that question I do not understand to be presented here. The point is that the bill involves a tax or charge upon the people. This is a bill for the reorganization of the Army, and it changes the character of the offices. I do not know whether it increases the number of regiments, but it does increase the number of regimental officers? Can a bill reorganizing the Army of the United States be passed without creating a charge upon the people? The question is not whether the bill makes an appropriation, but whether it creates a charge upon the people.

Mr. LONG. That is the very question that has been decided in all these precedents.

The SPEAKER *pro tempore*. The Clerk will read a ruling made recently by the Speaker of the House upon a bill for redistricting the State of Missouri, making additional judicial districts. On that bill the Speaker was called upon to decide a question analogous to the one now before the House. The Clerk will read the decision in that case as it appears on page 3967 of the RECORD for the present session.

The Clerk read as follows:

The SPEAKER. The Chair desires, however, to call the attention of the gentleman from Missouri [Mr. BLAND] to the rule which has heretofore been adhered to in the decision of questions of this kind. It has been uniformly held that before a point of order of this character can be sustained it must appear with certainty that an additional appropriation will be required to execute the law, if the bill should be passed. Now, it is true that this bill provides for summoning jurors and for holding courts at these additional places in certain contingencies; and that in case the county authorities provide the necessary rooms, offices, &c. But all these courts are to be held merely for the purpose of transacting the judicial business in what now constitutes one district. Civil and criminal proceedings are to be commenced in these courts; but the Chair has no means of determining that the creation of these courts will not in fact diminish the cost of litigation instead of increasing it.

It often, as the Chair knows, diminishes the costs of litigation to the citizens and the Government to have courts convenient to litigants and convenient for the trial of criminals and penal cases.

The Chair is not able to see in this bill any provision which makes it absolutely certain the cost of judicial proceeding in this Territory will be increased. On the contrary, it may be contended, and probably would be, by gentlemen, it will be diminished. When it does not appear on the face of the bill that additional appropriations will be required, but is merely a matter of argument, the Chair can not decide that such will necessarily be the case.

Mr. BLAND. I desire to call the attention of the Chair to the fact that the bill upon which the decision just read was made provided for no new offices and no new salaries; it fixed no compensation for any office whatever. But here is a bill fixing the compensation of officers. I dare say if the bill relating to judicial districts in Missouri upon which the Speaker made the ruling which has been read had provided for the compensation of any judge, clerk, or other officer, the Speaker would have sent it to the Committee of the Whole, because it would have been a charge or tax upon the people.

The SPEAKER *pro tempore*. The Chair would like the gentleman from Missouri to point out any provision in this bill requiring an expenditure of money which would not be required under existing law.

Mr. RANDALL. I will point that out if the gentleman will give me the opportunity to do so.

The CHAIRMAN. The Chair will give the gentleman from Pennsylvania that opportunity.

Mr. REAGAN. You may say that every appropriation bill may reduce expenditures or may reduce salaries, but the fact that it provides a new salary or creates an additional office, whether great or small, whether organic or not, that is not the question, but the very fact that it does so create an additional office or provide a salary not authorized by existing law makes it amenable to the rules of this House. The question is this: Does the bill itself fix a tax or charge upon the people? If it does, then certainly it must have, under the rules, its first consideration in the Committee of the Whole House on the state of the Union.

Mr. RANDALL. I understood the Chair to state if there were found any clause in the bill providing for an increase of officers or enlisted men in excess of the number now provided by law, then the point of order would lie.

Mr. STEELE. I understand the Chair to state—

Mr. RANDALL. The Chair furthermore stated if it could be shown there was a charge upon the Treasury by this bill not provided for under existing law it would then be liable to the point of order.

Mr. HOLMAN rose.

The CHAIRMAN. The Chair will first hear the gentleman from Pennsylvania.

Mr. RANDALL. I wish to direct the attention of the Chair to the fact there is a major provided for by this bill not authorized under existing law. That will be found in the first section. The sixth section also provides for additional men; and the twenty-first section of the bill provides for increased pay. I ask the Clerk to read an extract, which I have marked, from the report of this committee touching section 21, where it is conceded that section does in fact increase the pay beyond what is now provided for by existing law.

The CHAIRMAN. The clerk will read the extract referred to.

The Clerk read as follows:

Section 21 makes the pay of all sergeant-majors and quartermaster-sergeants the same as that of post-quartermaster and commissary sergeants. The sergeant-major is the most important of all the non-commissioned officers. The present law makes his pay \$23 per month, while the quartermaster-sergeants receive \$34. It is proposed to make the pay of all the same, \$30.

Mr. RANDALL. It will be seen in the paragraph read from the report of the Committee on Military Affairs it is conceded certain officers now receiving \$28 a month, if this bill shall pass will hereafter receive \$34 a month.

Mr. REAGAN. The bill also increases the pay of certain captains. Now, Mr. Chairman, I wish to state that the ruling read by the Chair, I do not know by whom it was made, clearly overrules the principle laid down by Speaker Kerr in the Forty-fourth Congress, and which has been followed and sustained by every succeeding Speaker since—that it must affirmatively appear in the bill to which the point of order is made that it does not increase appropriations. That ruling, so laid down by Speaker Kerr, has never been deviated from until the ruling read by the Chair, which takes the ground it is necessary to show in order to sustain the point of order affirmatively there would be increase of expenditures.

Mr. STEELE. I hope I will be allowed to answer the points made by gentlemen on the other side.

The CHAIRMAN. The Chair will hear the gentleman from Indiana.

Mr. STEELE. I wish to call attention to the fact that in section 21, so far as non-commissioned officers are concerned, this bill rearranges the salaries already provided for under existing law, and results in a saving to the Government of \$2,888. In the further rearrangement of salaries provided by the bill, so far as captains are concerned there is a decrease, and not an increase.

Mr. LONG. The gentleman from Missouri is entirely right in saying this bill refers to certain officers and names certain offices, but those offices exist now. And there are certain salaries attached by law to those offices. But, sir, nothing appears in this bill to show those offices are increased, or to show there may not be a diminution both of offices and salaries.

Mr. REAGAN. If, as the result of the bill, it appears it involves an increased tax or burden upon the people it must, under the ruling heretofore followed, have its first consideration in the Committee of the Whole House on the state of the Union.

Mr. RANDALL. The very report of the committee itself concedes the fact that it does provide for such increase.

Mr. LONG. In one respect, but not in another. It does not appear the general result of the bill does not result in a diminution of offices and salaries now provided by existing law.

The CHAIRMAN. The Chair is ready to rule upon the question.

Mr. BRADY. It appears there is to be an increase of fifty majors and sixty captains.

The CHAIRMAN. The Chair is of the opinion, after hearing the report of the committee read, that the bill does provide for an increase in the salaries of certain grades of officers; that it is a change of existing law, and does require appropriation in excess of existing law, and therefore under the rules should have its first consideration in the Committee of the Whole House on the state of the Union. It fixes a charge for these officials which does not now exist by law. And the Chair is compelled to take notice of the existing law in that regard. Besides, the bill fixes a charge in connection with these offices which does not now exist, and the Chair so rules.

Mr. STEELE. Upon the whole the bill is not an increase under existing law. It provides the number of officers shall not be increased as now provided by law so far as appointments from civil life are concerned.

The CHAIRMAN. The Chair thinks it involves a charge such as is contemplated by the rules.

Mr. STEELE. I ask the Chair not to rule finally until I can be heard.

Mr. RANDALL. The bill in the twenty-eighth section also provides for an increase.

The SPEAKER *pro tempore*. It does increase the compensation paid out of the Treasury, and is therefore liable to the point of order.

Mr. RANDALL. To still further strengthen the position taken by the Chair I want to read a paragraph in the twenty-eighth section of this bill bearing upon this point:

And said sum of \$200 per year shall be in addition to the current yearly pay of his grade, as fixed by section 29 of this act.

The SPEAKER *pro tempore*. The Chair was of opinion that the duty devolved upon the party making the point of order to show affirmatively that it did change the existing law so as to increase the amount covered by the bill. This, the Chair thinks, has been done, and hence holds the point of order is well taken.

Mr. STEELE. In the case of the section just quoted by the gentleman from Pennsylvania, I will state to him that this takes away from the officer the forage and the horse now allowed by law, and, therefore, will be found to decrease expenditures.

The SPEAKER *pro tempore*. The Chair thinks that under all of the circumstances, and in view of the sections read and the sections of the law referred to, that the bill is such as requires its first consideration in the Committee of the Whole House on the state of the Union, and so rules.

Mr. STEELE. Now, Mr. Speaker, I do not want to press this bill at all. I said so at the time I called it up, that if a single objection could be found and urged against it I would want to strike it out. What I do ask though is that unanimous consent may be given that some time in the future, I do not care when, we may have a day for the consideration of this bill.

Mr. RANDALL. If that is made subject to appropriation and revenue bills and prior orders I imagine there will be no objection.

Mr. STEELE. Of course not to interfere with prior orders or revenue or appropriation bills.

The SPEAKER *pro tempore*. What day would the gentleman suggest?

Mr. STEELE. Any day that may be fixed upon. I do not wish to consume the time of the House to find out what day is unassigned, but the first one that is not assigned by previous orders I ask may be fixed for the consideration of this bill with the exceptions that have been stated.

Mr. REAGAN. One of the most important bills that we will have to consider at this session was assigned for the 13th of April last, but has been postponed from day to day, and I do not want anything more to interfere with that.

The SPEAKER *pro tempore*. The Chair will state that that being a pending order would be excepted by the motion of the gentleman from Indiana.

Mr. REAGAN. Not in the form in which it was made. I do not want anything to interfere with that bill.

Mr. STEELE. I will say not to interfere with any prior orders.

Mr. BRAGG. Well, then, fix the 19th of May. I am informed that day is unassigned.

Mr. STEELE. Very well.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent that the consideration of this bill be fixed for the 19th day of May, not to interfere with revenue or appropriation bills, or any prior orders. Is there objection?

There was no objection, and it was so ordered.

#### RELIEF OF CERTAIN VOLUNTEER OFFICERS.

Mr. LAIRD. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill under consideration this afternoon, House bill No. 7895.

The motion was agreed to.

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

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7895) for the relief of certain officers of the volunteer army and for other purposes.

Mr. ROGERS. I rise to a parliamentary inquiry. What is pending?

The CHAIRMAN. There is no amendment pending, the Chair is informed. The first thing in order will be to read the second section of the bill for consideration.

Mr. ROGERS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "so," in line 7 of the first section of the bill, insert the word "promoted," and strike out all the balance of the section, so that if amended it will read that all enlisted men in the naval service of the United States or in its Marine Corps.

Mr. ROGERS. I had lost sight of the amendments which had been appended to that section, and will withdraw that amendment and propose another in its stead. I desire to offer as a substitute for the first section what I now send to the desk.

The Clerk read as follows:

Strike out the entire first section of the bill and insert: "That all soldiers of the late war who re-enlisted as veteran volunteers and afterward were discharged to receive promotion and receive commission as officers in the Army shall be paid all installments of veteran bounty which were withheld from them on account of their being so promoted."

Mr. HOLMAN. I hope the words to be stricken out will be reported.

The remainder of the section as proposed to be stricken out was read.

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

The CHAIRMAN. Debate is not in order.

Mr. LAIRD. For information simply.

The CHAIRMAN. That could only be done by consent, and the committee can not give unanimous consent, as by order of the House, all debate was limited upon this section and all amendments that may be offered to it.

Mr. ROGERS. I rise to a parliamentary inquiry. Some gentlemen around me have made the inquiry if this amendment of mine is adopted whether it does not supersede everything except what is embraced in the amendment itself, with the addition of the word "promoted," after the word "so," in the seventh line.

The CHAIRMAN. The Chair can only reply that gentlemen, having heard the amendment read, must judge for themselves of its effect. The words proposed to be stricken out have been read by the Clerk.

Mr. ROGERS. I ask that the amendment may be again read for the information of the committee.

There being no objection, the amendment was again read.

Mr. BROWN, of Pennsylvania. I rise to a parliamentary inquiry. Was not a motion to strike out the two provisos to this section made and voted down to-day, and does not the motion of the gentleman from Arkansas include the same motion?

The CHAIRMAN. A portion of the same, but not the whole, as the Chair understands.

Mr. BROWN, of Pennsylvania. I understand it includes both, and both were once refused to be stricken out by the committee.

The CHAIRMAN. The Chair will have to refer to the amendment.

Mr. ROGERS. If permitted, I will respond to the gentleman by saying this is not the same amendment. The amendment now offered embraces the striking out of both of the provisos, but it likewise em-

braces the amendment of that which preceded them; so it is entirely different from what has already been voted upon.

The committee divided; and there were—ayes 44, noes 67.  
Mr. ROGERS. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Arkansas [Mr. ROGERS] and the gentleman from Nebraska [Mr. LAIRD].

The committee again divided; and the tellers reported—ayes 18, noes 82.

The CHAIRMAN. A quorum has not voted; and, in accordance with the rule, the Chair will cause the roll to be called so that the absentees may be noted.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

- |                 |                  |                |                   |
|-----------------|------------------|----------------|-------------------|
| Adams, G. E.    | Dunn,            | King,          | Singleton,        |
| Adams, J. J.    | Eden,            | Lawler,        | Smalls,           |
| Aiken,          | Ely,             | Le Fevre,      | Snyder,           |
| Allen, J. M.    | Farquhar,        | Libbey,        | Spooner,          |
| Anderson, J. A. | Findlay,         | Lovering,      | Spriggs,          |
| Atkinson,       | Fisher,          | Lyman,         | Springer,         |
| Baker,          | Foran,           | Markham,       | Stewart, Charles  |
| Ballentine,     | Ford,            | Martin,        | Stewart, J. W.    |
| Barbour,        | Forney,          | McAdoo,        | St. Martin,       |
| Barksdale,      | Gallinger,       | McComas,       | Stone, W. J., Mo. |
| Barnes,         | Gibson,          | McCreary,      | Storm,            |
| Barry,          | Gibson, C. H.    | McKinley,      | Struble,          |
| Belmont,        | Gibson, Eustis   | Milliken,      | Swinburne,        |
| Bingham,        | Gilfillan,       | Mills,         | Tarsney,          |
| Blanchard,      | Glass,           | Mitchell,      | Taylor, E. B.     |
| Browne, T. M.   | Glover,          | Morrow,        | Thomas, J. R.     |
| Buchanan,       | Goff,            | Muller,        | Thomas, O. B.     |
| Buck,           | Green, R. S.     | Murphy,        | Thompson,         |
| Bunnell,        | Green, W. J.     | Negley,        | Throckmorton,     |
| Burleigh,       | Grosvenor,       | Norwood,       | Townshend,        |
| Burnes,         | Hall,            | O'Donnell,     | Trigg,            |
| Butterworth,    | Hammond,         | O'Ferrall,     | Tucker,           |
| Campbell, T. J. | Harmer,          | O'Hara,        | Wade,             |
| Candler,        | Harris,          | O'Neill, J. J. | Wadsworth,        |
| Caswell,        | Haynes,          | Outhwaite,     | Wait,             |
| Cobb,           | Head,            | Owen,          | Warner, A. J.     |
| Cole,           | Henderson, D. B. | Parker,        | Weaver, A. J.     |
| Collins,        | Henderson, J. S. | Payson,        | Weaver, J. B.     |
| Compton,        | Henderson, T. J. | Pettibone,     | Weber,            |
| Comstock,       | Henley,          | Phelps,        | Wellborn,         |
| Cox,            | Herbert,         | Pierce,        | West,             |
| Crain,          | Hiestand,        | Raney,         | White, Milo       |
| Croxton,        | Hill,            | Reid, J. W.    | Wilkins,          |
| Culberson,      | Hitt,            | Richardson,    | Winans,           |
| Curtin,         | Holmes,          | Riggs,         | Wise,             |
| Dargan,         | Hutton,          | Robertson,     | Woodburn,         |
| Davenport,      | Irion,           | Rockwell,      | Worthington.      |
| Dawson,         | Jackson,         | Romeis,        |                   |
| Dingley,        | Jackson, T. D.   | Scranton,      |                   |
| Dockery,        | Jones, J. H.     | Sessions,      |                   |
| Dorsey,         | Kelley,          | Seymour,       |                   |
| Dougherty,      | Ketcham,         | Shaw,          |                   |

Mr. HOPKINS. I desire to state I am informed there is sickness in the family of my colleague [Mr. LAWLER], and I ask that he be excused.

The CHAIRMAN. The Chair will state that excuses can not be received in committee. They may be made in the House when the Speaker is in the chair.

The committee rose; and Mr. McMILLIN having resumed the chair as Speaker *pro tempore*, Mr. CRISP reported the Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. 7895) for the relief of certain officers in the volunteer army, and for other purposes, and finding itself without a quorum, had caused the roll to be called, and reported the names of the absentees to the House to be entered on the Journal.

The names of the absentees were read.

The SPEAKER *pro tempore*. The chairman of the Committee of the Whole House has reported that on a call of the committee, the question being made that no quorum had voted, 156 members had responded to their names—not a quorum.

Mr. BRAGG. I move that there be a call of the House.

Mr. SCOTT. I desire to state that my colleague [Mr. STORM] is absent on account of sickness.

Mr. BRECKINRIDGE, of Kentucky. I move that the House adjourn.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. BRAGG] moves that there be a call of the House. The gentleman from Kentucky [Mr. BRECKINRIDGE] moves that the House adjourn. The question is first on the motion to adjourn.

Mr. HISCOCK. And upon that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 44, nays 109, not voting 169; as follows:

- |                     |                    |           |                   |
|---------------------|--------------------|-----------|-------------------|
| YEAS—44.            |                    |           |                   |
| Bennett,            | Crisp,             | McRae,    | Rogers,           |
| Bland,              | Davidson, A. C.    | Merriman, | Sader,            |
| Blount,             | Davidson, R. H. M. | Miller,   | Sayers,           |
| Breckinridge, C. R. | Dibble,            | Morgan,   | Skinner,          |
| Breckinridge, WCP.  | Halsell,           | Neal,     | Stone, W. J., Ky. |
| Cabell,             | Hemphill,          | Oates,    | Taubee,           |
| Campbell, J. E.     | Hewitt,            | Peel,     | Taylor, J. M.     |
| Candler,            | Jones, J. T.       | Perry,    | Tillman,          |
| Clardy,             | Laffoon,           | Pindar,   | Turner,           |
| Clements,           | Landes,            | Reagan,   | Van Eaton,        |
| Cowles,             | Lanham,            | Reese,    | Wilson.           |

NAYS—109.

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|-----------------|-----------------|-------------|-----------------|
| Allen, C. H.    | Ermentrout,     | Laird,      | Ryan,           |
| Anderson, C. M. | Evans,          | Leibach,    | Sawyer,         |
| Bayne,          | Everhart,       | Lindsley,   | Scott,          |
| Beach,          | Felton,         | Little,     | Seney,          |
| Bliss,          | Fleeger,        | Long,       | Sowden,         |
| Bound,          | Frederick,      | Lore,       | Stahlnecker,    |
| Boyle,          | Fuller,         | Louttit,    | Steele,         |
| Brady,          | Funston,        | Lowry,      | Stephenson,     |
| Bragg,          | Geddes,         | Mahoney,    | Stone, E. F.    |
| Brown, C. E.    | Grout,          | Matson,     | Storm,          |
| Brown, W. W.    | Guenther,       | McKenna,    | Strait,         |
| Brumm,          | Hale,           | McMillin,   | Struble,        |
| Burrows,        | Hanback,        | Millard,    | Swope,          |
| Burns,          | Hatch,          | Moffatt,    | Symes,          |
| Campbell, Felix | Hayden,         | Morrill,    | Taylor, I. H.   |
| Campbell, J. M. | Hepburn,        | Morrison,   | Taylor, Zach.   |
| Cannon,         | Herman,         | Neece,      | Van Schaick,    |
| Carleton,       | Hires,          | Nelson,     | Viele,          |
| Catchings,      | Hiscock,        | Osborne,    | Wakefield,      |
| Conger,         | Holman,         | Payne,      | Ward, J. H.     |
| Cooper,         | Holmes,         | Perkins,    | Ward, T. B.     |
| Cutcheon,       | Hopkins,        | Peters,     | Warner, William |
| Daniel,         | Houk,           | Pidcock,    | Wheeler,        |
| Davis,          | Howard,         | Price,      | Whiting,        |
| Dowdney,        | Hudd,           | Randall,    | Wolford.        |
| Dunham,         | James,          | Reed, T. B. |                 |
| Eldredge,       | Johnson, F. A.  | Rice,       |                 |
| Elsberry,       | Johnston, J. T. | Rowell,     |                 |

NOT VOTING—169.

- |                 |                  |                  |                   |
|-----------------|------------------|------------------|-------------------|
| Adams, G. E.    | Dougherty,       | Kleiner,         | Sessions,         |
| Adams, J. J.    | Dunn,            | La Follette,     | Seymour,          |
| Aiken,          | Eden,            | Lawler,          | Shaw,             |
| Allen, J. M.    | Ely,             | Le Fevre,        | Singleton,        |
| Anderson, J. A. | Farquhar,        | Libbey,          | Smalls,           |
| Arnold,         | Findlay,         | Lovering,        | Snyder,           |
| Atkinson,       | Fisher,          | Lyman,           | Spooner,          |
| Baker,          | Foran,           | Markham,         | Spriggs,          |
| Ballentine,     | Ford,            | Martin,          | Springer,         |
| Barbour,        | Forney,          | Maybury,         | Stewart, Charles  |
| Barksdale,      | Gallinger,       | McAdoo,          | Stewart, J. W.    |
| Barnes,         | Gibson, C. H.    | McComas,         | St. Martin,       |
| Barry,          | Gibson, Eustace  | McCreary,        | Stone, W. J., Mo. |
| Belmont,        | Gilfillan,       | McKinley,        | Swinburne,        |
| Bingham,        | Glass,           | Milliken,        | Tarsney,          |
| Blanchard,      | Glover,          | Mills,           | Taylor, E. B.     |
| Boutelle,       | Goff,            | Mitchell,        | Thomas, J. R.     |
| Browne, T. M.   | Morrow,          | Morror,          | Thomas, O. B.     |
| Buchanan,       | Muller,          | Murphy,          | Thompson,         |
| Buck,           | Green, R. S.     | Negley,          | Throckmorton,     |
| Bunnell,        | Green, W. J.     | Norwood,         | Townshend,        |
| Burleigh,       | Grosvenor,       | Hall,            | Trigg,            |
| Burnes,         | Hammond,         | O'Donnell,       | Tucker,           |
| Butterworth,    | Harmer,          | O'Ferrall,       | Wade,             |
| Caldwell,       | Harris,          | O'Hara,          | Wadsworth,        |
| Campbell, T. J. | Haynes,          | O'Neill, Charles | Wait,             |
| Caswell,        | Head,            | O'Neill, J. J.   | Warner, A. J.     |
| Cobb,           | Henderson, D. B. | Outhwaite,       | Weaver, A. J.     |
| Cole,           | Henderson, J. S. | Owen,            | Weaver, J. B.     |
| Collins,        | Henderson, T. J. | Parker,          | Weber,            |
| Compton,        | Henley,          | Payson,          | Wellborn,         |
| Comstock,       | Herbert,         | Pettibone,       | West,             |
| Cox,            | Hiestand,        | Phelps,          | White, A. C.      |
| Crain,          | Hill,            | Pierce,          | White, Milo       |
| Croxton,        | Hitt,            | Plumb,           | Wilkins,          |
| Culberson,      | Hutton,          | Ranney,          | Willis,           |
| Curtin,         | Irion,           | Reid, J. W.      | Winans,           |
| Dargan,         | Jackson,         | Richardson,      | Wise,             |
| Davenport,      | Johnston, T. D.  | Riggs,           | Woodburn,         |
| Dawson,         | Jones, J. H.     | Robertson,       | Worthington.      |
| Dingley,        | Kelley,          | Rockwell,        |                   |
| Dockery,        | Ketcham,         | Romeis,          |                   |
| Dorsey,         | King,            | Scranton,        |                   |

So the House refused to adjourn.

Mr. OATES. I ask unanimous consent to dispense with the reading of the names of members voting.

Mr. BRECKINRIDGE, of Arkansas, objected, but immediately withdrew the objection, and the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. BRAGG. Mr. Speaker, I move there be a call of the House.

Mr. ROGERS. Mr. Speaker, I move that the House now take a recess until fifty-nine minutes after 11 o'clock to-morrow morning.

The SPEAKER *pro tempore*. Gentlemen will suspend until the Clerk reports the pairs.

The following-named members were announced as paired until further notice:

- |   |
|---|
| Mr. THROCKMORTON with Mr. JACKSON.                          |
| Mr. COLE with Mr. THOMAS, of Illinois.                      |
| Mr. FISHER with Mr. BROWNE, of Indiana.                     |
| Mr. GREEN, of North Carolina, with Mr. ANDERSON, of Kansas. |
| Mr. FORNEY with Mr. BUNNELL.                                |
| Mr. CULBERSON with Mr. MCKINLEY.                            |
| Mr. CRAIN with Mr. STEWART, of Vermont.                     |
| Mr. BURNES with Mr. BUCHANAN.                               |
| Mr. OUTHWAITE with Mr. PARKER.                              |
| Mr. CURTIN with Mr. NEGLEY.                                 |
| Mr. NORWOOD with Mr. O'DONNELL.                             |
| Mr. TOWNSHEND with Mr. GALLINGER.                           |
| Mr. GIBSON, of West Virginia, with Mr. PIRCE.               |
| Mr. WARNER, of Ohio, with Mr. DAVENPORT.                    |
| Mr. JOHNSTON, of North Carolina, with Mr. MCCOMAS.          |
| Mr. FORAN with Mr. SCRANTON.                                |
| Mr. CROXTON with Mr. DORSEY.                                |

The following-named members were announced as paired for the day:

Mr. BARNES with Mr. HENDERSON, of Iowa.  
 Mr. TARSNEY with Mr. FARQUHAR.  
 Mr. O'FERRALL with Mr. THOMPSON.  
 Mr. ROBERTSON with Mr. ROMEIS.  
 Mr. CALDWELL with Mr. KELLEY.  
 Mr. KLEINER with Mr. BAKER.  
 Mr. ROCKWELL with Mr. TURNER.  
 Mr. HISCOCK with Mr. HERBERT.  
 Mr. BARKSDALE with Mr. ATKINSON.  
 Mr. HENDERSON, of North Carolina, with Mr. O'NEILL, of Pennsylvania.  
 Mr. WILLIS with Mr. MARTIN.  
 Mr. WILKINS with Mr. GROSVENOR.  
 Mr. RIGGS with Mr. ADAMS, of Illinois.  
 Mr. ADAMS, of New York, with Mr. HITT.  
 Mr. STORM with Mr. LA FOLLETTE.  
 Mr. BALLENTINE with Mr. GOFF.  
 Mr. MURPHY with Mr. PAYSON.  
 Mr. OATES with Mr. CASWELL.  
 Mr. ERMENTROUT with Mr. HARMER.  
 Mr. GLOVER with Mr. WAIT.  
 Mr. TUCKER with Mr. THOMAS, of Wisconsin.  
 Mr. MCKENNA with Mr. BYNUM.  
 Mr. BARRY with Mr. VAN SCHAICK.  
 Mr. DAWSON with Mr. E. B. TAYLOR.  
 Mr. GIBSON, of Maryland, with Mr. PHELPS.  
 Mr. LE FEVRE with Mr. MILLIKEN.  
 Mr. REID, of North Carolina, with Mr. GILFILLAN.  
 Mr. HALL with Mr. KETCHAM.  
 Mr. FORD with Mr. BUTTERWORTH.  
 Mr. O'NEILL, of Missouri, with Mr. BINGHAM.  
 Mr. WEAVER, of Iowa, with Mr. LIBBEY.  
 Mr. OATES. Mr. Chairman—  
 Mr. BRAGG. Regular order.  
 The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. OATES] is recognized.  
 Mr. OATES. I am paired with Mr. CASWELL, but I vote to make a quorum.  
 Mr. CUTCHEON. Mr. Speaker—  
 The SPEAKER *pro tempore*. For what purpose does the gentleman rise?  
 Mr. CUTCHEON. I rise to make a parliamentary inquiry.  
 The SPEAKER *pro tempore*. The gentleman will state it.  
 Mr. CUTCHEON. I desire to know if a call of the House is now in order.  
 The SPEAKER *pro tempore*. That motion is pending.  
 Mr. CUTCHEON. I move a call of the House.  
 The SPEAKER *pro tempore*. The Chair will state to the gentleman from Michigan that that motion was made, and pending that a motion was made to adjourn.  
 Mr. REED, of Maine. That motion could not be pending while the pairs were being read.  
 The SPEAKER *pro tempore*. That motion was pending, and a motion was made that the House adjourn. That having been voted down, the motion for the call of the House recurs, and in that way it is pending.  
 The Chair will lay before the House a personal request, with the statement that it was made at an early hour this evening but has been overlooked until now. Mr. THOMAS, of Wisconsin, asks to be excused from the evening session by reason of sickness. Is there objection?  
 There was no objection, and it was so ordered.  
 The SPEAKER *pro tempore*. The question now is on the motion of the gentleman from Wisconsin [Mr. BRAGG] for a call of the House.  
 Mr. FREDERICK. Mr. Speaker, my colleagues Mr. MURPHY and Mr. HALL are both unwell.  
 Several MEMBERS. Regular order!  
 The SPEAKER *pro tempore*. The question is on a motion of the gentleman from Wisconsin for a call of the House.  
 The question was taken, and the Speaker declared that the ayes seemed to have it.  
 Mr. ROGERS. I call for a division.  
 The question was then taken by tellers, and there were, ayes 96, noes 35.  
 A call of the House was therefore ordered.  
 Mr. ROGERS (at five minutes before 10 o'clock p. m.). I move that the House do now adjourn.  
 The question being taken on the motion to adjourn, there were— ayes 50, noes 86.  
 Mr. ROGERS. I call for the yeas and nays.  
 The yeas and nays were not ordered, there being only 26 in favor thereof—not one-fifth of the last vote.  
 The SPEAKER *pro tempore*. The Clerk will now call the roll.  
 Mr. BRAGG. I believe the absentees have already been called; and I submit that the doors should now be closed, and the Sergeant-at-Arms be instructed to bring in the absentees.  
 The SPEAKER *pro tempore*. The Chair will say to the gentleman

from Wisconsin that the call of the roll to ascertain the absentees' was in Committee of the Whole. The roll-call had since was on the motion to adjourn. A call of the House has now been ordered. The doors will be closed, and the Clerk will call the roll.

Mr. ROGERS. I rise to a parliamentary inquiry. Is it now in order to move to adjourn?

The SPEAKER *pro tempore*. A motion to adjourn has just been voted down; and no business has intervened; therefore the motion is not now in order. The Clerk will call the roll.

A MEMBER. For what.

The SPEAKER *pro tempore*. So that members present may respond and that the names of absentees may be noted.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams, G. E.	Dorsey	Kelley	Sessions
Adams, J. J.	Dougherty,	Ketcham,	Seymour,
Aiken,	Dunn,	King,	Shaw,
Allen, J. M.	Eden,	La Follette,	Singleton,
Anderson, J. A.	Ely,	Le Fevre,	Smalls,
Atkinson,	Farquhar,	Libbey,	Snyder,
Baker,	Findlay,	Lovering,	Spooner,
Ballentine,	Fisher,	Lyman,	Spriggs,
Barbour,	Foran,	Markham,	Stewart, Charles
Barksdale,	Ford,	Martin,	Stewart, J. W.
Barnes,	Forney,	McAduo,	St. Martin,
Barry,	Gallinger,	McComas,	Stone, W. J., of Mo.
Belmont,	Gay,	McKinley,	Swinburne,
Bingham,	Gibson, C. H.	Mills,	Tarsney,
Blanchard,	Gibson, Eustace	Mitchell,	Taylor, E. B.
Boutelle,	Gilfillan,	Morrill,	Thomas, J. R.
Browne, T. M.	Glass,	Muller,	Thomas, O. E.
Buchanan,	Glover,	Murphy,	Throckmorton,
Bunnell,	Goff,	Negley,	Townshend,
Burleigh,	Green, R. S.	Norwood,	Trigg,
Burnes,	Green, W. J.	O'Donnell,	Tucker,
Butterworth,	Hall,	O'Ferrall,	Turner,
Campbell, T. J.	Hammond,	O'Hara,	Wade,
Caswell,	Harmer,	O'Neill, Charles	Wadsworth,
Cobb,	Harris,	O'Neill, J. J.	Wait,
Cole,	Haynes,	Outhwaite,	Warner, A. J.
Collins,	Heard,	Owen,	Weaver, A. J.
Compton,	Henderson, D. B.	Parker,	Weaver, J. B.
Cox,	Henderson, J. S.	Payson,	Webber,
Crain,	Henderson, T. J.	Pettiboaoc,	Webborn,
Croxton,	Henley,	Phelps,	West,
Culbertson,	Herbert,	Pierce,	White, Milo
Curtin,	Hiestand,	Ranney,	Wilkins,
Dargan,	Hitt,	Reid, J. W.	Willis,
Davenport,	Hutton,	Richardson,	Winans,
Davidson, R. H. M.	Irion,	Robertson,	Wise,
Dawson,	Jackson,	Rockwell,	Woodburn,
Dingley,	Johnston, T. D.	Romeis,	Worthington.
Dockery,	Jones, J. H.	Scranton,	

Mr. BEACH. Out of consideration for the reading clerk, I ask unanimous consent that the recapitulation of the names be dispensed with.

Mr. GROSVENOR. I object. I would not object if the request came from any other man in the House.

Mr. BEACH. It is no special favor to me.

Mr. DUNHAM. I would like to say to the gentleman from Ohio [Mr. GROSVENOR] that we have but one reading clerk here this evening and he is almost worn out. I hope the gentleman will withdraw his objection.

Mr. BEACH. The objection comes in very good part from the gentleman from Ohio.

Mr. GROSVENOR. I was about to withdraw my objection, but after the remark of the gentleman from New York I give him notice that he does not crack his whip over my head either here or elsewhere.

The Clerk proceeded to read the names, but was interrupted by Mr. LONG, who said: I ask unanimous consent that the further reading of the names be dispensed with.

The SPEAKER *pro tempore*. In the absence of objection that order will be made.

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

Mr. LAIRD. I believe I had recognition. I desire to move that further proceedings under the call be dispensed with.

The SPEAKER *pro tempore*. The Chair will recognize gentlemen in their order. The names of the absentees must first be called.

The Clerk called the absentees, as follows:

Mr. ADAMS, of Illinois: No excuse offered.

Mr. ADAMS, of New York: No excuse offered.

Mr. AIKEN: No excuse offered.

Mr. ALLEN, of Massachusetts: No excuse offered.

Mr. ANDERSON, of Kansas: No excuse offered.

Mr. ATKINSON: No excuse offered.

Mr. BAKER: No excuse offered.

Mr. BALLENTINE.

The SPEAKER *pro tempore*. The Chair will state for the information of the House, as this proceeding seems not to be understood, that the roll is now being called in order that excuses may be made for those who are absent.

Mr. JOHN M. TAYLOR. My colleague [Mr. BALLENTINE] is detained at his room by sickness. I ask that he be excused.

The SPEAKER *pro tempore*. Is there objection to excusing the gentleman from Tennessee [Mr. BALLENTINE]? The Chair hears none.

Mr. BARBOUR: No excuse offered.  
 Mr. BARKSDALE: No excuse offered.  
 Mr. BARNES.  
 Mr. CLEMENTS. My colleague is absent on account of sickness, and I therefore move he be excused.  
 The motion was agreed to.  
 Mr. BARRY: No excuse offered.  
 Mr. BELMONT: No excuse offered.  
 Mr. BLANCHARD: No excuse offered.  
 Mr. BOUTELLE: No excuse offered.  
 Mr. BROWNE, of Indiana.  
 Mr. STEELE. My colleague is absent on account of severe sickness in his family. He is absent by leave of the House.  
 The SPEAKER *pro tempore*. That will be noted.  
 Mr. BUCHANAN: No excuse offered.  
 Mr. BUNNELL.  
 Mr. OSBORNE. My colleague is absent by leave of the House.  
 The SPEAKER *pro tempore*. Whenever that is the case it will be taken notice of.  
 Mr. BURLEIGH: No excuse offered.  
 Mr. BURNES: No excuse offered.  
 Mr. BUTTERWORTH: No excuse offered.  
 Mr. TIMOTHY J. CAMPBELL.  
 Mr. VIELE. I move my colleague be excused on account of sickness.  
 The motion was agreed to.  
 Mr. CASWELL: No excuse offered.  
 Mr. COBB.  
 Mr. MATSON. I move my colleague be excused. He has been in bad health for several months.  
 The motion was disagreed to.  
 Mr. COLE.  
 Mr. CRISP. I move the gentleman be excused, as he is in bad health.  
 The motion was agreed to.  
 Mr. COLLINS.  
 Mr. LONG. I move Mr. COLLINS be excused on account of sickness in his family.  
 The motion was agreed to.  
 Mr. COMPTON: No excuse offered.  
 Mr. COX: No excuse offered.  
 Mr. CRAIN: No excuse offered.  
 Mr. CROXTON: No excuse offered.  
 Mr. CULBERSON: No excuse offered.  
 Mr. CURTIN: No excuse offered.  
 Mr. DARGAN.  
 Mr. HEMPHILL. I move the gentleman be excused on account of sickness.  
 A MEMBER. How sick?  
 Mr. HEMPHILL. I have been informed he is sick.  
 Mr. CUTCHEON. How long has he been sick?  
 Mr. HEMPHILL. We know he is a gentleman of frail constitution and that he has been sick.  
 The motion was disagreed to.  
 Mr. DAVENPORT: No excuse offered.  
 Mr. DAVIDSON, of Florida: No excuse offered.  
 Mr. DINGLEY: No excuse offered.  
 Mr. DOCKERY: No excuse offered.  
 Mr. DORSEY: No excuse offered.  
 Mr. DOUGHERTY: No excuse offered.  
 Mr. DUNN.  
 Mr. ROGERS. The Sergeant-at-Arms informs me Mr. DUNN sent a message to the House that he be excused on account of sickness. I move, therefore, he be excused.  
 The motion was disagreed to.  
 Mr. EDEN: No excuse offered.  
 Mr. ELY: No excuse offered.  
 Mr. FARQUHAR.  
 Mr. ANDERSON, of Ohio. Mr. FARQUHAR stops at the same house I do, and I know part of his family are sick, and have been to-day. I move he be excused.  
 The motion was agreed to.  
 Mr. FINDLAY: No excuse offered.  
 Mr. FISHER: No excuse offered.  
 Mr. FOAN: No excuse offered.  
 Mr. FORD: No excuse offered.  
 Mr. FORNEY.  
 Mr. OATES. My colleague is absent by leave of the House.  
 The SPEAKER *pro tempore*. That fact will be noted.  
 Mr. PERKINS. I move that all further proceedings under the call be dispensed with.  
 The SPEAKER *pro tempore*. It is not usual to entertain that motion until the present call is made.  
 Mr. PETERS. Mr. Speaker, Mr. GALLINGER, whose name I understand was called as being absent, was called home to-day by the sickness of his daughter.  
 Mr. GAY: No excuse offered.  
 Mr. GIBSON, of Maryland: No excuse offered.

Mr. GIBSON, of West Virginia: No excuse offered.  
 Mr. GILFILLAN: No excuse offered.  
 Mr. GLASS.  
 Mr. CALDWELL. Mr. Speaker, my colleague, Mr. GLASS, is sick and unable to attend the night session of the House. I move that he be excused.  
 The motion was agreed to.  
 Mr. GLOVER: No excuse offered.  
 Mr. GOFF: No excuse offered.  
 Mr. GREEN, of New Jersey: No excuse offered.  
 Mr. GREEN, of North Carolina: No excuse offered.  
 Mr. HALL.  
 Mr. FREDERICK. Mr. Speaker, Mr. HALL left the House sick, and I move that he be excused.  
 The motion was not agreed to.  
 Mr. HAMMOND.  
 Mr. CLEMENTS. Mr. HAMMOND is detained in his room on account of sickness, and I move that he be excused.  
 Mr. BRECKINRIDGE, of Kentucky. Has he sent for a doctor?  
 [Laughter.]  
 Mr. CLEMENTS. I do not know; but he has been absent two or three days, as the House knows, and is suffering with quite a sore throat to-night.  
 Mr. BLAND. I think he ought not to be here to-night; he is not at all well.  
 The motion that Mr. HAMMOND be excused was agreed to.  
 Mr. HARMER: No excuse offered.  
 Mr. HARRIS: No excuse offered.  
 Mr. HAYNES: No excuse offered.  
 Mr. HEARD: No excuse offered.  
 Mr. HENDERSON, of Iowa: No excuse offered.  
 Mr. HENDERSON, of North Carolina: No excuse offered.  
 Mr. BENNETT. My colleague, Mr. HENDERSON, is detained by reason of the sickness of one of his children, and I make that statement upon my personal responsibility. [Laughter.]  
 Mr. BRECKINRIDGE, of Kentucky. Is the gentleman responsible for the sickness of the child or for the absence?  
 Mr. BENNETT. No, sir; for the truthfulness of the statement.  
 The motion that Mr. HENDERSON, of North Carolina, be excused, was agreed to.  
 Mr. LAWLER. Mr. Speaker, owing to the sickness of all the members of the House who are absent to-night, I move that they all be excused.  
 The SPEAKER *pro tempore*. It is unusual to entertain that motion at this stage of the proceedings.  
 Mr. HENDERSON, of Illinois: No excuse offered.  
 Mr. HENLEY: No excuse offered.  
 Mr. HERBERT: No excuse offered.  
 Mr. HIESTAND: No excuse offered.  
 Mr. HITT: No excuse offered.  
 Mr. HUTTON: No excuse offered.  
 Mr. IRION: No excuse offered.  
 Mr. JACKSON: No excuse offered.  
 Mr. JOHNSTON, of Indiana: No excuse offered.  
 Mr. JONES, of Texas.  
 Mr. WILSON. Mr. Speaker, I ask that Mr. JONES, of Texas, be excused on account of advanced age. [Laughter.]  
 The motion was not agreed to.  
 Mr. KELLEY: No excuse offered.  
 Mr. KETCHAM.  
 Mr. HISCOCK. I move that my colleague, Mr. KETCHAM, be excused. He is detained at home on account of important business.  
 The motion was not agreed to.  
 Mr. KING.  
 Mr. VAN EATON. I ask that Mr. KING, of Louisiana, be excused on account of the breakage of the levees of the Mississippi River. [Laughter.]  
 Mr. LA FOLLETTE.  
 Mr. GUENTHER. I suppose in consequence of the absence of Mr. LA FOLLETTE that he is sick. I hope he will be excused.  
 The SPEAKER *pro tempore*. The gentleman moves that his colleague be excused.  
 The motion was not agreed to.  
 Mr. LE FEVRE: No excuse offered.  
 Mr. LIBBEY: No excuse offered.  
 Mr. LOVERING.  
 Mr. TAULBEE. Mr. Speaker, the name of Mr. LOVERING, I understand, has just been called. I wish to state that he left the House this afternoon before the recess, complaining of being quite unwell, and since we have come to this evening session I learn that he is not able to be here. I therefore move that he be excused.  
 The motion was not agreed to.  
 Mr. LYMAN: No excuse offered.  
 Mr. MARKHAM.  
 Mr. LOUTTIT. The health of my colleague, Mr. MARKHAM, is such that he has not been out an evening since he has been a member of the House, and I ask that he be excused.

The question was taken; and on a division there were—ayes 70, noes 7.

So the motion was agreed to.

Mr. BLAND. I understand the name of Mr. LANHAM has been called. He has been in delicate health—

The SPEAKER *pro tempore*. The Chair is informed that the gentleman from Texas is recorded as being present.

Mr. MARTIN: No excuse offered.

Mr. MCADOO: No excuse offered.

Mr. MCKINLEY.

Mr. HISCOCK. It is well known that Mr. MCKINLEY is ill, and I move that he be excused.

The SPEAKER *pro tempore*. The Chair is informed that the gentleman from Ohio has leave of absence, which fact will be taken notice of by the officers of the House.

Mr. MILLS: No excuse offered.

Mr. MITCHELL.

Mr. BUCK. I move that my colleague, Mr. MITCHELL, be excused, as I have just learned from the gentleman from New York within the last half hour that he is unable to be present.

The motion was not agreed to.

Mr. MORROW.

Mr. MCKENNA. Mr. Speaker, I move that Mr. MORROW be excused. He has been detained at home on account of the sickness of his wife, and she has been made sick by a very severe misfortune since she came to this city.

The motion was agreed to.

Mr. MULLER.

Mr. DANIEL. I do not fancy that Mr. MULLER, of New York, can complain that he is not well; in fact, I will make affidavit to the fact. [Laughter.]

The SPEAKER *pro tempore*. Shall the gentleman from New York be excused?

The motion was not agreed to.

Mr. MURPHY.

Mr. FREDERICK. I move that Mr. MURPHY be excused.

The motion was not agreed to.

Mr. NEGLEY: No excuse offered.

Mr. NORWOOD: No excuse offered.

Mr. O'DONNELL: No excuse offered.

Mr. O'FERRALL: No excuse offered.

Mr. O'HARA: No excuse offered.

Mr. O'NEILL, of Pennsylvania: No excuse offered.

Mr. O'NEILL, of Missouri.

Mr. VAN EATON. I move that Mr. O'NEILL, of Missouri, be excused.

The House divided, and there were—ayes 50, noes 68.

So the motion of Mr. VAN EATON was not agreed to.

Mr. OUTHWAITE: No excuse offered.

Mr. OWEN: No excuse offered.

Mr. PARKER: No excuse offered.

Mr. PAYSON: No excuse offered.

Mr. PETTIBONE.

Mr. HOUK. I move that my colleague [Mr. PETTIBONE] be excused; he arrived in the city very tired this evening.

The motion was not agreed to.

Mr. PHELPS: No excuse offered.

Mr. PIRCE: No excuse offered.

Mr. RANNEY: No excuse offered.

Mr. REID, of North Carolina.

Mr. SKINNER. I move that Mr. REID be excused. Ordinarily he is a very prompt man. I do not know what detains him now, but it must be some great necessity.

The motion was not agreed to.

Mr. RICHARDSON: No excuse offered.

Mr. ROBERTSON: No excuse offered.

Mr. ROCKWELL: No excuse offered.

Mr. ROMEIS: No excuse offered.

Mr. SCRANTON.

Mr. JOHNSTON, of New York. Mr. SCRANTON is absent by leave of the House.

The SPEAKER *pro tempore*. That fact will be noted.

Mr. SESSIONS: No excuse offered.

Mr. SEYMOUR: No excuse offered.

Mr. SHAW: No excuse offered.

Mr. SINGLETON.

Mr. MORGAN. My colleague Mr. SINGLETON, it is well known, is in delicate health, and it would not be proper to bring him out to-night. I move that he be excused.

The motion was agreed to.

Mr. SMALLS: No excuse offered.

Mr. SNYDER: No excuse offered.

Mr. SPOONER: No excuse offered.

Mr. SPRIGGS: No excuse offered.

Mr. STEWART, of Texas: No excuse offered.

Mr. STEWART, of Vermont: No excuse offered.

Mr. ST. MARTIN: No excuse offered.

Mr. STONE, of Missouri.

Mr. BLAND. I have just received a message informing me that my colleague Mr. STONE, is sick and not able to attend. I move that he be excused.

The House divided; and there were—ayes 25, noes 57.

So the motion was not agreed to.

Mr. SWINBURNE: No excuse offered.

Mr. TARSNEY: No excuse offered.

Mr. EZRA B. TAYLOR.

Mr. GROSVENOR. Judge TAYLOR left the House on account of severe illness, and has been ill for several days. I move that he be excused.

The motion was agreed to—ayes 84, noes 9.

Mr. THOMAS, of Illinois: No excuse offered.

Mr. THOMAS, of Wisconsin.

Mr. GUENTHER. I move that my colleague [Mr. THOMAS] be excused.

The SPEAKER *pro tempore*. He has already been excused.

Mr. THROCKMORTON: No excuse offered.

Mr. TOWNSHEND: No excuse offered.

Mr. TRIGG: No excuse offered.

Mr. TUCKER: No excuse offered.

Mr. TURNER: No excuse offered.

Mr. WADE: No excuse offered.

Mr. WADSWORTH.

Mr. TAULBEE. I move that my colleague, Mr. WADSWORTH, be excused. He is known to all of us to be in delicate health, and he is advanced in years.

The motion was agreed to.

Mr. WAIT.

Mr. PAYNE. I move that Mr. WAIT be excused on account of his age.

The motion was agreed to—ayes 96, noes 2.

Mr. WARNER, of Ohio: No excuse offered.

Mr. WEAVER, of Nebraska: No excuse offered.

Mr. VIELE. Mr. Speaker, I understood that my colleague, Mr. MULLER, had been excused. I now desire to say that he has been an invalid during the whole session, and I move that he be excused.

The motion was agreed to.

Mr. WEAVER, of Iowa, was called and answered to his name.

Mr. SKINNER. Mr. Speaker, I move that Mr. ST. MARTIN be excused on account of his age. He is as old probably as any man in this House, and it is dangerous for him to be out at night.

The motion was agreed to—ayes 92, noes 5.

Mr. WEBER: No excuse offered.

Mr. CABELL. Mr. Speaker, I understand from the Sergeant-at-Arms that my colleague, Mr. BARBOUR, is very much indisposed, and I move that he be excused.

The motion was agreed to.

Mr. WHEELER. I would inquire of the Chair if my colleague, Mr. FORNEY, is not excused by the House?

The SPEAKER *pro tempore*. The Chair is informed that he is absent by leave of the House.

Mr. BROWN, of Pennsylvania. I wish to ask if my colleague, Mr. KELLEY, has been excused?

The SPEAKER *pro tempore*. The Chair is informed that he is not. Mr. BROWN, of Pennsylvania. Then I move that he be excused.

The motion was agreed to.

Mr. WELLBORN.

Mr. WHEELER. Mr. Speaker, I have a note saying that Mr. WELLBORN is ill, and I move that he be excused.

The motion was agreed to.

Mr. WEST: No excuse offered.

Mr. WHITE, of Minnesota: No excuse offered.

Mr. WILKINS: No excuse offered.

Mr. WINANS: No excuse offered.

Mr. WISE: No excuse offered.

Mr. WOODBURN: No excuse offered.

Mr. WILLIS.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I have an impression that Mr. WILLIS's wife is quite ill, and as everybody knows how punctually Mr. WILLIS has attended here in the discharge of his duties, I move that he be excused.

The motion was agreed to.

Mr. WEAVER, of Iowa. Mr. Speaker, I can state of my personal knowledge that my colleague, Mr. MURPHY, is sick, and has been for several days. For that reason I move that he be excused.

The motion was not agreed to.

Mr. EVANS. Mr. Speaker, my colleague, Mr. ATKINSON, is lame, and I move that he be excused.

The motion was agreed to.

Mr. VAN EATON. Mr. Speaker, I again move that Mr. KING, of Louisiana, be excused. I hold in my hand a telegram just received announcing that there is a fresh break in the Mississippi River. [Laughter.]

The motion was not agreed to.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr.

BRAGG] has sent up a resolution, which will be read, after which the Chair will recognize the gentleman from Arkansas.

The resolution offered by Mr. BRAGG was read, as follows:

*Resolved*, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

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

Mr. DUNHAM. Mr. Speaker—

Mr. RANDALL. Regular order.

Mr. DUNHAM. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. Has the roll-call disclosed the presence of a quorum?

Mr. RANDALL. Regular order.

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. DUNHAM. The House ought to know the fact. It ought to be announced.

The SPEAKER *pro tempore*. It can not interpose against a motion to adjourn.

Mr. KETCHAM. It is not a motion, it is a request for information, which is necessary in order that members may vote intelligently.

The SPEAKER *pro tempore*. It is a request for information that could not affect the motion to adjourn.

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will state for the information of the gentleman from Illinois [Mr. DUNHAM] that the call of the roll discloses the fact that there is a quorum present.

Mr. LAIRD. I desire to move that all further proceedings under the call of the House be dispensed with.

The SPEAKER *pro tempore*. That motion is not in order; there is another motion pending.

The question being taken on the motion of Mr. ROGERS, there were—ayes 66, noes 77.

Mr. ROGERS. I call for tellers.

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

The yeas and nays were not ordered, only 19 voting in favor thereof. Tellers were not ordered.

So the motion was not agreed to.

Mr. ROGERS. I now move to dispense with all further proceedings under the call.

Mr. BRAGG. I make the point of order that a resolution has been presented, action upon which was suspended simply to take the vote on the motion to adjourn, and that the next thing in order is to submit that resolution to the House and have its action thereon.

The SPEAKER *pro tempore*. The question is on the resolution of the gentleman from Wisconsin—

Mr. ROGERS. Mr. Speaker—

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. ROGERS. To call the attention of the Chair to the fact that the point of order of the gentleman from Wisconsin is not well taken. It is always in order, I take it, pending a call, to move to dispense with further proceedings under the call.

The SPEAKER *pro tempore*. The Chair is of opinion that the motion to dispense with further proceedings under the call is in order.

Mr. LAIRD. I understood the Chair recognized me to make that motion.

The SPEAKER *pro tempore*. The gentleman from Arkansas was recognized and made the motion.

Mr. LAIRD. I understood the Chair recognized the motion I made to the same effect pending the motion of the gentleman from Arkansas to adjourn.

The SPEAKER *pro tempore*. The Chair was not aware of the fact that the gentleman from Nebraska [Mr. LAIRD] made the motion.

Mr. LAIRD. I move then to dispense with further proceedings under the call.

Mr. BRAGG. I desire to make an inquiry. The resolution which I have offered, if voted down, would be a suspension of proceedings under the call. The resolution presented that question for the consideration of the House, and I was entitled to a vote upon it. Can another proposition operating to the same effect as a negative vote upon my resolution take the place of that resolution? If the House does not choose to take further proceedings under the call, the voting down of my resolution would so declare. I presented it to the House in that form.

The SPEAKER *pro tempore*. The Chair will state that pending a call of the House but two motions are in order—one to dispense with further proceedings under the call and the other to adjourn. The question is on the motion to dispense with further proceedings under the call.

The question being taken, there were—ayes 69, noes 50.

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

The SPEAKER *pro tempore* (after a count). There are 26 voting to order the yeas and nays—not one-fifth of those who answered to their names on the last roll-call.

Mr. ROGERS. I call for a count of the other side.

Mr. BRAGG. Twenty-six is one-fifth of the last vote, is not it? Then why does the Chair say "not one-fifth of those answering to their names on the roll-call?"

The SPEAKER *pro tempore*. A count of the other side is demanded; that will determine the question.

Mr. BRAGG. I would like to have an explanation of the ruling of the Chair.

The SPEAKER *pro tempore* having asked for the negative vote on ordering the yeas and nays, 6 members rose.

Mr. PERKINS. I think there is a misunderstanding as to the proposition on which we are voting.

The SPEAKER *pro tempore*. The question is upon ordering the yeas and nays on the motion to dispense with further proceedings under the call.

Mr. BRAGG. That motion was put and decided.

The SPEAKER *pro tempore*. The question was on ordering the yeas and nays. The affirmative side had risen and been counted; thereupon the other side was demanded—

Mr. BRAGG. No, sir.

The SPEAKER *pro tempore*. The other side was demanded, and the Chair was counting the other side—

Mr. BRAGG. The Chair announced that those voting to order the yeas and nays numbered 26, and said, "Not one-fifth of the last roll-call," although there was one-fifth of the last vote. The gentleman from Arkansas called for the other side—

The SPEAKER *pro tempore*. And the Chair was proceeding to count the other side, and 6 members rose. The gentleman from Kansas [Mr. PERKINS] then stated that gentlemen misunderstood the question. The Chair desires to take no advantage of any gentleman.

Mr. BRAGG. What I desired to understand was by what authority the Chair proceeded to take another division after the question had been decided. [Cries of "Order!"] Well, gentlemen, that sort of racket does not disturb me at all.

Mr. LAIRD. We demand that the negative vote be taken on ordering the yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Arkansas having called for a count on the other side, those who are opposed to taking this question by yeas and nays will rise and stand till counted. [After a count.] On this question the yeas are 26, the noes 84. More than one-fifth have voted in the affirmative, and the yeas and nays are ordered. The Clerk will call the roll.

Mr. DUNHAM. I move that the House adjourn.

The question being taken on the motion of Mr. DUNHAM, there were—ayes 68, noes 80.

Mr. ROGERS demanded tellers.

The House divided; and there were—ayes 30.

The SPEAKER *pro tempore*. Not one-fifth of a quorum.

Mr. BRECKINRIDGE, of Kentucky. Count the other side.

The SPEAKER *pro tempore*. There is no other side.

Mr. ROGERS. I move the House do now adjourn.

Mr. BRAGG. I believe possibly that may be ruled out of order.

Mr. LAIRD. I move the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes.

The SPEAKER *pro tempore*. The question is on the motion to dispense with all further proceedings under the call; upon which the yeas and nays have been called.

Mr. NELSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. NELSON. The Chair is mistaken; there was not one-fifth of a quorum. There were twenty-six, and that is not one-fifth of a quorum.

The SPEAKER *pro tempore*. Twenty-six is one-fifth of those present.

Mr. NELSON. But not one-fifth of a quorum.

The SPEAKER *pro tempore*. One-fifth of those present is all that is required. The yeas and nays are ordered.

The question was taken; and it was decided in the affirmative—yeas 86, nays 63, not voting 173, as follows:

## YEAS—86.

Allen, C. H.	Evans,	Johnson, F. A.	Riggs,
Arnot,	Everhart,	Johnston, J. T.	Rogers,
Bennett,	Felton,	Laird,	Rowell,
Bland,	Fleeger,	Lehbach,	Ryan,
Blount,	Fuller,	Lindsay,	Sayers,
Brumm,	Funston,	Long,	Seney,
Buck,	Grosvenor,	Maybury,	Skinner,
Cabell,	Guenther,	McKenna,	Stone, E. F.
Campbell, J. M.	Hale,	Millard,	Strait,
Campbell, J. E.	Halsell,	Miller,	Struble,
Candler,	Hanback,	Moffatt,	Taulbee,
Cannon,	Hayden,	Morgan,	Taylor, I. H.
Carleton,	Hemphill,	Morrill,	Tillman,
Clardy,	Henderson, T. J.	Perkins,	Van Schaick,
Clements,	Hepburn,	Perry,	Wakefield,
Comstock,	Hill,	Peters,	Weaver, J. B.
Conger,	Hires,	Plumb,	White, A. C.
Cowles,	Holmes,	Price,	Whiting,
Crisp,	Hopkins,	Reagan,	Wilson,
Cutcheon,	Houtk,	Reed, T. B.	Woodburn.
Davis,	Hudd,	Reese,	
Dibble,	James,	Rice,	

NAYS—63.

Anderson, C. M.	Ellsberry,	Matson,	Stahlnecker,
Bayne,	Ermentrout,	McCreary,	Steele,
Beach,	Geddes,	McMillin,	Stephenson,
Bound,	Grout,	McRae,	Sessions,
Boyle,	Herman,	Morrison,	Stone, W. J., Ky.
Brady,	Hewitt,	Neal,	Swope,
Bragg,	Holman,	Neece,	Symes,
Breckinridge, C. R.	Howard,	Osborne,	Taylor, J. M.
Breckinridge, W. C. P.	Kleiner,	Peel,	Taylor, Zach.
Brown, C. E.	Landes,	Pidcock,	Thompson,
Brown, W. W.	Lawler,	Pindar,	Van Eaton,
Bynum,	Little,	Randall,	Viele,
Cooper,	Lore,	Sawyer,	Ward, J. H.
Daniel,	Louttit,	Scott,	Ward, T. B.
Dowdney,	Lowry,	Sowden,	Warner, William
Eldredge,	Mahoney,	Springer,	Wheeler.

NOT VOTING—173.

Adams, G. F.	Dockery,	Kelley,	Romeis,
Adams, J. J.	Dorsey,	Ketcham,	Sadler,
Aiken,	Dougherty,	King,	Scranton,
Allen, J. M.	Dunham,	Laffoon,	Sessions,
Anderson, J. A.	Dunn,	La Follette,	Seymour,
Atkinson,	Eden,	Lanham,	Shaw,
Baker,	Ely,	Le Fevre,	Singleton,
Ballentine,	Farquhar,	Libbey,	Smalls,
Barbour,	Findlay,	Lovering,	Snyder,
Barksdale,	Fisher,	Lyman,	Spooner,
Barnes,	Foran,	Markham,	Spriggs,
Barry,	Ford,	Martin,	Stewart, Charles
Belmont,	Forney,	McAdoo,	Stewart, J. W.
Bingham,	Frederick,	McComas,	St. Martin,
Blanchard,	Gallinger,	McKinley,	Stone, W. J., Mo.
Bliss,	Gay,	Merriman,	Storm,
Boutelle,	Gibson, C. H.	Milliken,	Swinburne,
Browne, T. M.	Gibson, Eustace	Mills,	Tarsney,
Buchanan,	Gillfillan,	Mitchell,	Taylor, E. B.
Bunnell,	Glass,	Morrow,	Thomas, J. H.
Burleigh,	Glover,	Muller,	Thomas, O. B.
Burnes,	Goff,	Murphy,	Throckmorton,
Burrows,	Green, R. S.	Negley,	Townshend,
Butterworth,	Green, W. J.	Nelson,	Trigg,
Caldwell,	Hall,	Norwood,	Tucker,
Campbell, Felix	Hammond,	Oates,	Turner,
Campbell, T. J.	Harmer,	O'Donnell,	Wade,
Caswell,	Harris,	O'Ferrall,	Wadsworth,
Catchings,	Hatch,	O'Hara,	Wait,
Cobb,	Haynes,	O'Neill, Charles	Warner, A. J.
Cole,	Heard,	O'Neill, J. J.	Weaver, A. J.
Collins,	Henderson, D. B.	Oulwaite,	Weber,
Compton,	Henderson, J. S.	Owen,	Wellborn,
Cox,	Henley,	Parker,	West,
Crain,	Herbert,	Payne,	White, Milo
Croxton,	Hiestand,	Payson,	Wilkins,
Culberson,	Hiscock,	Pettibone,	Willis,
Curtin,	Hitt,	Phelps,	Winans,
Dargan,	Hutton,	Pire,	Wise,
Davenport,	Irion,	Ranney,	Wolford,
Davidson, A. C.	Jackson,	Reid, J. W.	Worthington.
Davidson, R. H. M.	Johnston, T. D.	Richardson,	
Dawson,	Jones, J. H.	Robertson,	
Dingley,	Jones, J. T.	Rockwell,	

So the motion was agreed to.

During the roll call,

On motion of Mr. WEAVER, of Iowa, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. All further proceedings under the call have been dispensed with, and the doors will be reopened.

Mr. STEELE. I move by unanimous consent the pages be excused from further attendance on this evening session.

There was no objection, and the motion was agreed to.

Mr. LAIRD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes. I understand there is a desire on the other side to offer a substitute for this bill, and if we go into the Committee of the Whole that can be done and some progress made in this matter which will be final.

Mr. BLAND. I desire to make a motion to take a recess until 11 o'clock to-morrow. By that time we may come to some understanding. If we stay here all night doing as we have done nothing will be accomplished.

Mr. LAIRD. Oh, no!

The House divided; and there were—ayes 27, noes 56.

Mr. BLAND. I demand the yeas and nays.

Mr. WHEELER. I move the House do now adjourn.

Mr. BRECKINRIDGE, of Arkansas. I wish to say in connection with the request—

Mr. REED, of Maine. Question!

Mr. BRECKINRIDGE, of Arkansas, rose.

Mr. REED, of Maine. Regular order!

Mr. BRECKINRIDGE, of Arkansas. This is the regular order.

Mr. REED, of Maine. Regular order!

The SPEAKER *pro tempore*. Does the gentleman from Alabama insist on his motion to adjourn?

Mr. WHEELER. No; I withdraw it.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Missouri is holding his motion in abeyance.

The SPEAKER *pro tempore*. If there be no objection the gentleman will be heard.

Mr. REED, of Maine. Regular order!

Mr. BRECKINRIDGE, of Arkansas. I ask the gentleman to hear a brief statement.

Mr. LAIRD. What does the gentleman propose?

Mr. BRECKINRIDGE, of Arkansas. I want to say that it is the desire of those with whom I am co-operating to get a vote upon the substitute which the gentleman from Wisconsin [Mr. BRAGG] proposes to offer for this bill; and for my part, and I believe that is the position of men who are opposing the bill now under consideration, if that substitute carries it will be acquiesced in and no further obstructive measures taken.

Mr. CANNON. Let me ask the gentleman from Arkansas a question.

Mr. BRECKINRIDGE, of Arkansas. Certainly. [Cries of "Regular order!"]

Mr. CANNON. I only want to know if that substitute does not omit from this bill every provision for the benefit of the private soldiers?

Mr. BRECKINRIDGE, of Arkansas. Hear the substitute read.

Mr. REED, of Maine. We know what is in it.

Mr. CANNON. I am satisfied that it does; and I am not willing to permit by any act of mine such an act of injustice to be done to them.

Mr. BRECKINRIDGE, of Arkansas. Let the bill be read; it will show for itself.

[Cries of "Regular order!"]

Mr. CANNON. I will not consent by any act of mine to anything which will cut the private soldiers out of this bill.

The SPEAKER *pro tempore*. The question is on ordering the yeas and nays on the motion of the gentleman from Missouri [Mr. BLAND] for a recess.

The yeas and nays were refused, only 11 members voting in favor thereof.

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

The question was taken; and on a division there were—ayes 62, noes 42.

Mr. BRAGG. I demand the yeas and nays.

The yeas and nays were ordered, there being 21 voting therefor and 72 in opposition to the demand.

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. ROGERS. I wish to make a parliamentary inquiry. Is this roll-call to be taken upon the question of adjournment?

The SPEAKER *pro tempore*. It is. [Cries of "Regular order!"]

The question was taken; and there were—ayes 47, nays 84, not voting 191; as follows:

YEAS—47.

Allen, C. H.	Clardy,	Lore,	Reese,
Bennett,	Cowles,	Maybury,	Rogers,
Bland,	Crisp,	McCrary,	Sadler,
Blount,	Dibble,	McRae,	Sayers,
Bound,	Dunham,	Merriman,	Skinner,
Brady,	Everhart,	Miller,	Taulbee,
Breckinridge, C. R.	Hale,	Morgan,	Taylor, J. M.
Breckinridge, W. C. P.	Halsell,	Morrison,	Taylor, Zach.
Cabell,	Hayden,	Neal,	Tillman,
Caldwell,	Hemphill,	Peel,	Weaver, J. B.
Candler,	Landes,	Perry,	Whiting.
Carleton,	Long,	Price,	

NAYS—84.

Anderson, C. M.	Evans,	Laffoon,	Sawyer,
Bayne,	Felton,	Laird,	Scott,
Beach,	Fleeger,	Lawler,	Seney,
Bliss,	Frederick,	Lehbach,	Sowden,
Boyle,	Fuller,	Lindsley,	Springer,
Bragg,	Funston,	Little,	Stahlnecker,
Brown, C. E.	Geddes,	Lowry,	Steele,
Brown, W. W.	Grout,	Mahoney,	Stephenson,
Brumm,	Guenther,	McKenna,	Stone, W. J., Ky.
Buck,	Henderson, D. B.	McMillin,	Strait,
Bynum,	Henderson, T. J.	Millard,	Struble,
Campbell, J. M.	Hepburn,	Morrill,	Swope,
Cannon,	Herman,	Neece,	Symes,
Comstock,	Hill,	Osborne,	Taylor, I. H.
Conger,	Hires,	Payne,	Van Eaton,
Cooper,	Hiscock,	Perkins,	Van Schaick,
Cutcheon,	Holman,	Peters,	Ward, J. H.
Daniel,	Holmes,	Pidcock,	Ward, T. B.
Eldredge,	Houk,	Randall,	Warner, William
Ellsberry,	Howard,	Reed, T. B.	Wheeler,
Ermentrout,	Johnston, J. T.	Rowell,	Wilson.

NOT VOTING—191.

Adams, G. E.	Burleigh,	Davenport,	Gay,
Adams, J. J.	Burnes,	Davidson, A. C.	Gibson, C. H.
Aiken,	Buttows,	Davidson, R. H. M.	Gibson, Eustace
Allen, J. M.	Butterworth,	Davis,	Gillfillan,
Anderson, J. A.	Campbell, Felix	Dawson,	Glass,
Arnot,	Campbell, J. E.	Dingley,	Glover,
Atkinson,	Campbell, T. J.	Dockery,	Goff,
Baker,	Caswell,	Dorsey,	Green, R. S.
Ballentine,	Catchings,	Dougherty,	Green, W. J.
Barbour,	Clements,	Dowdney,	Grosvenor,
Barksdale,	Cobb,	Dunn,	Hall,
Barnes,	Cole,	Eden,	Hammond,
Barry,	Collins,	Ely,	Hanback,
Belmont,	Compton,	Farquhar,	Harmer,
Bingham,	Cox,	Findlay,	Harris,
Blanchard,	Crain,	Fisher,	Hatch,
Boutelle,	Croxton,	Foran,	Haynes,
Browne, T. M.	Culberson,	Ford,	Heard,
Buchanan,	Curtin,	Forney,	Henderson, J. S.
Bunnell,	Dargan,	Gallinger,	Henley,

Herbert, McAdoo, Ranney, Thomas, J. R.  
 Hewitt, McComas, Reagan, Thomas, O. B.  
 Hiestand, McKinley, Reid, J. W. Thompson,  
 Hitt, Milliken, Rice, Throckmorton,  
 Hopkins, Mills, Richardson, Townshend,  
 Hudd, Mitchell, Riggs, Trigg,  
 Hutton, Moffatt, Robertson, Tucker,  
 Irion, Morrow, Rockwell, Turner,  
 Jackson, Muller, Romeis, Viele,  
 James, Murphy, Ryan, Wade,  
 Johnson, F. A. Negley, Scranton, Wadsworth,  
 Johnston, T. D. Nelson, Sessions, Wait,  
 Jones J. H. Norwood, Seymour, Wakefield,  
 Jones, J. T. Oates, Shaw, Warner, A. J.  
 Kelley, O'Donnell, Singleton, Weaver, A. J.  
 Ketcham, O'Ferrall, Small, Weber,  
 King, O'Hara, Snyder, Wellborn,  
 Kleiner, O'Neill, Charles Spooner, West,  
 La Follette, O'Neill, J. J. Spriggs, White, A. C.  
 Lanham, O'Hara, Outhwaite, Stewart, Charles  
 Le Fevre, Owen, St. Martin, White, Milo  
 Libbey, Parker, Stone, E. F. Wilkins,  
 Louttit, Payson, Stone, W. J., Mo. Willis,  
 Lovering, Pettibone, Phelps, Winans,  
 Lyman, Markham, Pindar, Storm, Wise,  
 Martin, Pierce, Swinburne, Wolford,  
 Matson, Plumb, Tarsney, Woodburn,  
 Taylor, E. B. Worthington.

Dunn, Houk, Norwood, Stewart, Charles  
 Eden, Hudd, Oates, Stewart, J. W.  
 Ely, Hutton, O'Donnell, St. Martin,  
 Evans, Irion, O'Ferrall, Stone, E. F.  
 Farquhar, Jackson, O'Hara, Stone, W. J., of Mo.  
 Felton, James, O'Neill, Charles Storm,  
 Findlay, Johnson, F. A. O'Neill, J. J. Strait,  
 Fisher, Johnston, T. D. Outhwaite, Swinburne,  
 Foran, Jones, J. H. Owen, Tarsney,  
 Ford, Jones, J. T. Parker, Taylor, E. B.  
 Forney, Kelley, Payson, Taylor, Zach.  
 Gallinger, Ketcham, Perkins, Thomas, O. B.  
 King, Pettibone, Phelps, Thomas, J. R.  
 Gibson, C. H. La Follette, Paddock, Throckmorton,  
 Gibson, Eustace Lanham, Pircce, Townshend,  
 Gilfillan, Le Fevre, Plumb, Trigg,  
 Glass, Libbey, Ranney, Tucker,  
 Glover, Louttit, Reagan, Turner,  
 Goff, Lovering, Reid, J. W. Viele,  
 Green, R. S. Lyman, Rice, Wadsworth,  
 Green, W. J. Markham, Wait, Wakefield,  
 Hale, Martin, Riggs, Warner, A. J.  
 Hall, Matson, Robertson, Weaver, A. J.  
 Hammond, McAdoo, Rockwell, Weber,  
 Hanback, McComas, Romeis, Wellborn,  
 Harris, McKinley, Ryan, West,  
 Hatch, Milliken, Sayers, Scranton,  
 Haynes, Mills, Mitchell, Sessions,  
 Heard, Moffatt, Morgan, Seymour,  
 Henderson, J. S. Henley, Morrill, Shaw,  
 Herbert, Morgan, Morrill, Singleton,  
 Hewitt, Morrow, Muller, Skinner,  
 Hiestand, Muller, Smalls, Slammer,  
 Hiscock, Murphy, Snyder, Smalls,  
 Hitt, Negley, Spooner, Spiggs,  
 Hopkins, Nelson.

So the House refused to adjourn.  
 Mr. BRAGG. I ask unanimous consent to dispense with the reading of the names of those voting.

There was no objection; and it was so ordered.  
 The result of the vote was then announced as above recorded.

Mr. LAIRD. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the purpose of further considering the bill H. R. 7895.

Mr. DUNHAM. What has become of the quorum of the House that we had a short time ago?

The SPEAKER *pro tempore*. The Chair is not informed upon that subject. ["Cries of "Regular order!""]

Mr. LAIRD. I insist upon my motion.  
 The question was taken; and upon a division there were—ayes 73, noes 9.

Mr. ROGERS. Tellers.  
 Tellers were not ordered, 1 member only voting in favor thereof.

Mr. ROGERS. I make the point that no quorum has voted.  
 The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. ROGERS and Mr. LAIRD were appointed tellers.  
 The House divided; and the tellers reported—ayes 75, noes 2.

Mr. ROGERS. I move that the House do now adjourn.  
 The question being taken on the motion to adjourn, there were—ayes 61, noes 38.

Mr. RANDALL and Mr. BRAGG called for the yeas and nays.  
 The yeas and nays were ordered—23 members voting therefor.

The question was taken; and there were—yeas 35, nays 80, not voting 207, as follows:

YEAS—35.

Breckinridge, WCP. Crisp,	Maybury,	Price,
Buck, Daniel,	McCreary,	Reese,
Cabell, Dibble,	McRea,	Rogers,
Caldwell, Everhart,	Merriman,	Sadler,
Candler, Halsell,	Miller,	Taulbee,
Carleton, Hemphill,	Morrison,	Taylor, J. M.
Clements, Henderson, T. J.	Neal,	Tillman,
Comstock, Laffoon,	Peel,	Wilson.
Cowles, Looe,	Pindar,	

NAYS—80.

Anderson, C. M.	Fleeger,	Lawler,	Seney,
Arnott, Frederick,	Fuller,	Lehlbach,	Sowden,
Bayne, Beach,	Funston,	Lindsley,	Springer,
Bliss, Bliss,	Geddes,	Little,	Stahlnecker,
Bound, Bound,	Grovesnor,	Long,	Steele,
Bragg, Bragg,	Groat,	Lowry,	Stephenson,
Breckinridge, C. R.	Guenther,	Mahoney,	Stone, W. J., of Ky.
Brown, W. W.	Hayden,	McKenna,	Struble,
Brumm, Brumm,	Henderson, D. B.	McMillin,	Swope,
Bynum, Cannon,	Hepburn,	Millard,	Symes,
Cannon, Conger,	Herman,	Neece,	Taylor, I. H.
Conger, Cooper,	Hill,	Osborne,	Thompson,
Cutcheon, Cutcheon,	Hires,	Payne,	Van Eaton,
Dowdney, Dowdney,	Holman,	Perry,	Van Schaick,
Dunham, Dunham,	Holmes,	Peters,	Ward, J. H.
Eldredge, Eldredge,	Howard,	Randall,	Ward, T. B.
Elisberry, Elisberry,	Johnston, J. T.	Reed, T. B.	Warner, William
Ermentrout, Ermentrout,	Laird,	Rowell,	Weaver, J. B.
	Landes,	Sawyer,	Wheeler,
		Scott,	White, A. C.

NOT VOTING—207.

Adams, G. E.	Bennett,	Burrows,	Crain,
Adams, J. J.	Bingham,	Butterworth,	Croxton,
Aiken, Aiken,	Blanchard,	Campbell, Felix	Culberson,
Allen, C. H.	Bland,	Campbell, J. M.	Curtin,
Allen, J. M.	Blount,	Campbell, J. E.	Dargan,
Anderson, J. A.	Boutelle,	Campbell, T. J.	Davenport,
Atkinson, Atkinson,	Boyle,	Ciswell,	Davidson, A. C.
Baker, Baker,	Brady,	Catchings,	Davidson, R. H. M.
Ballentine, Ballentine,	Browne, T. M.	Clardy,	Davis,
Barbour, Barbour,	Brown, C. E.	Cobb,	Dawson,
Barkesdale, Barkesdale,	Buchanan,	Cole,	Dingley,
Barnes, Barnes,	Bunnell,	Collins,	Dockery,
Barry, Barry,	Burleigh,	Compton,	Dorsey,
Belmont, Belmont,	Burnes,	Cox,	Dougherty,

So the House refused to adjourn.  
 Mr. BRAGG. I move that the reading of the names be dispensed with.

Mr. TILLMAN. I object.  
 The names of the members voting were read, and the result of the vote was then announced as above stated.

Mr. BRAGG. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes.

The SPEAKER *pro tempore*. The question is on the motion that the House resolve itself into Committee of the Whole House for the consideration of the bill H. R. 7895.

The motion was agreed to.  
 The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. CRISP in the chair) and resumed consideration of House bill 7895.

The CHAIRMAN. The committee was dividing on an amendment offered by the gentleman from Arkansas [Mr. ROGERS]. The tellers, the gentleman from Nebraska, Mr. LAIRD, and the gentleman from Arkansas, [Mr. ROGERS], will resume their places.

Mr. ROGERS. I withdraw my amendment.  
 Mr. BRAGG. I offer as a substitute for the first section what I send to the desk.

The Clerk read as follows:  
 Strike out all after the enacting clause and insert:  
 "That all soldiers of the late war who served as enlisted men for two years under the provisions of the act of July 22, 1861, and afterward were discharged to receive promotion, and received commissions as officers in the Army, shall be paid the bounty which was withheld from them on account of their being so promoted and commissioned, the same as they would have been entitled to receive had they completed their term of enlistment without promotion and received an honorable discharge."

Mr. CUTCHEON. I desire to make a parliamentary inquiry.  
 The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. Is this offered as a substitute for the first section, or as a substitute for the entire bill?  
 Mr. BRAGG. It covers the whole bill. I will next move to strike out the second section.

The CHAIRMAN. It would not be in order at this stage to move a substitute for the entire bill.  
 Mr. BRAGG. I offer it as a substitute for the first section.

Mr. REED, of Maine. But the motion was to strike out all after the enacting clause and insert what has been read.

The CHAIRMAN. The Chair understood the gentleman from Wisconsin to offer his amendment as a substitute for the first section, although the language is "strike out all after the enacting clause."  
 Mr. HOLMAN. I think the gentleman is entitled to offer it as a substitute for the whole bill.

The CHAIRMAN. The Chair will state there will come a time when the gentleman can offer it as a substitute for the whole bill. The Chair does not think he can do so now while only the first section has been read for amendment.

Mr. BRAGG. I have divided my amendment into two paragraphs, and I offer that paragraph as a substitute for the first section and will make it read "strike out section 1 and insert the following"—what has just been read. I ask for a vote.

Mr. CUTCHEON. I desire to be heard on the motion to amend.  
 The CHAIRMAN. All debate on amendments to the first section

has been exhausted, the House having put a limit on the debate. No debate is now in order.

Mr. JOHNSTON, of Indiana. I make the point of order that the order of the House only applied to the amendments pending at the time it was made.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the limitation of debate applied not only to amendments that were then pending, but to amendments that might thereafter be submitted. Such an order can be made under the rules of the House. It did not preclude subsequent amendments, but it precluded debate on all then pending or that might thereafter be offered to the section.

Mr. BROWN, of Pennsylvania. I understand the amendment is simply for the relief of the officers, and leaves the rank and file out. This is a desertion of the rank and file. [Cries of "Regular order!"]

Mr. REED, of Maine. The amendment must be reported.

Mr. CANNON. Every one understands it. I object.

The CHAIRMAN. Objection is made to the amendment being again read.

Mr. REED, of Maine. But the amendment to the first section has not been read. There was a proposed substitute for the whole bill read.

The CHAIRMAN. As there still seems to be some misapprehension as to what was the effect of the proposition, the Chair will direct that the substitute as proposed for the first section be now read.

The Clerk read as follows:

Strike out section 1 and insert the following:

"That all soldiers of the late war who served as enlisted men for two years under the provisions of the act of July 22, 1861, and afterward were discharged to receive promotion, and received commissions as officers in the Army, shall be paid the bounty which was withheld from them on account of their being so promoted and commissioned the same as they would have been entitled to receive had they completed their term of enlistment without promotion and received an honorable discharge."

Mr. CUTCHEON. This takes effect on no soldier unless he has served two full years. That makes the bill entirely nugatory. [Cries of "Regular order!"]

Mr. ROGERS. I make the point of order that that is an amendment to a substitute, and therefore is not in order.

The CHAIRMAN. One amendment to a substitute is in order. The Clerk will report the amendment proposed by the gentleman from Missouri [Mr. WARNER].

The Clerk read as follows:

*Be it enacted, &c.*, That every volunteer non-commissioned officer, private, musician, and artificer who enlisted after April 15, 1861, for two or three years, and who was actually mustered into the United States service for two or three years, and who was subsequently honorably discharged upon surgeon's certificate for a disability incurred in line of duty or for wounds received in battle, or for promotion prior to a service of two years as an enlisted man, shall be entitled to receive the amount of bounty which he would otherwise have been entitled to receive had he completed his term of enlistment as such non-commissioned officer, private, musician, or artificer; and that all advance payments of bounty, or portion of same, which were deducted from the pay of such enlisted man by reason of having been discharged for promotion prior to a service of two years as such enlisted man, shall be repaid to such as are entitled thereto by the provisions of this act; and in case of the death of the officer or soldier entitled to the benefits of this act, the amount of money found due him shall be paid to his widow, heirs, or legal representatives; and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sums due in each individual case.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BRAGG] offers a substitute for the first section of the bill. The gentleman from Missouri [Mr. WARNER] moves to amend the substitute by striking out all after the word "that" and inserting what has just been read. The question is first on the amendment of the gentleman from Missouri.

The question was taken; and there were—ayes 56, noes 30.

Mr. ROGERS. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint the gentleman from Missouri, Mr. WARNER, and the gentleman from Arkansas, Mr. ROGERS, to act as tellers.

The House again divided; and the tellers reported—ayes 61, noes 17.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

The CHAIRMAN. No quorum having voted, the Chair will direct that the roll be called, so that the names of members absent may be reported to the House.

The roll was called, and the following-named members failed to answer:

Adams, G. E.	Bland,	Caswell,	Davis,
Adams, J. J.	Blount,	Catchings,	Dawson,
Aiken,	Boutelle,	Clardy,	Dingley,
Allen, C. H.	Boyle,	Cobb,	Dockery,
Allen, J. M.	Brady,	Cole,	Dorsey,
Anderson, C. M.	Browne, T. M.	Collins,	Dougherty,
Anderson, J. A.	Brown, C. E.	Compton,	Dunn,
Atkinson,	Buchanan,	Comstock,	Eden,
Baker,	Bunnell,	Cox,	Ely,
Ballentine,	Burleigh,	Crain,	Farquhar,
Barbour,	Burnes,	Croxton,	Findlay,
Barksdale,	Burrows,	Culbertson,	Fisher,
Barnes,	Butterworth,	Curtin,	Foran,
Barry,	Campbell, Felix	Dargan,	Ford,
Belmont,	Campbell, J. M.	Davenport,	Forney,
Bingham,	Campbell, J. E.	Davidson, A. C.	Gallinger,
Blanchard,	Campbell, T. J.	Davidson, R. H. M.	Gay,

Gibson, C. H.	Ketcham,	Parker,	Storm,
Gibson, Eustace	King,	Payson,	Strait,
Gilfillan,	La Follette,	Perkins,	Struble,
Glass,	Lanham,	Pettibone,	Swinburne,
Glover,	Le Fevre,	Phelps,	Tarsney,
Goff,	Libbey,	Pirce,	Taylor, E. B.
Green, R. S.	Louttit,	Plumb,	Taylor, Zach.
Green, W. J.	Lovering,	Ranney,	Thomas, J. R.
Hale,	Lyman,	Reagan,	Thomas, O. B.
Hall,	Markham,	Reid, J. W.	Throckmorton,
Hammond,	Martin,	Rice,	Townshend,
Harner,	Matson,	Richardson,	Trigg,
Harris,	McAdoo,	Riggs,	Tucker,
Hatch,	McComas,	Robertson,	Turner,
Haynes,	McCreary,	Rockwell,	Viele,
Heard,	McKinley,	Romeis,	Wade,
Henderson, J. S.	Milliken,	Ryan,	Wadsworth,
Henley,	Mills,	Sawyer,	Wait,
Herbert,	Mitchell,	Sayers,	Wakefield,
Hewitt,	Moffatt,	Scranton,	Warner, A. J.
Hiestand,	Morgan,	Sessions,	Weaver, A. J.
Hitt,	Morrill,	Seymour,	Weber,
Holmes,	Morrow,	Shaw,	Wellborn,
Hopkins,	Muller,	Singleton,	West,
Houk,	Murphy,	Skinner,	Wheeler,
Howard,	Negley,	Smalls,	White, Milo
Hudd,	Nelson,	Snyder,	Whiting,
Hutton,	Norwood,	Spooner,	Wilkins,
Irion,	Oates,	Spriggs,	Willis,
Jackson,	O'Donnell,	Stephenson,	Winans,
James,	O'Ferrall,	Stewart, Charles	Wise,
Johnson, F. A.	O'Hara,	Stewart, J. W.	Wolford,
Johnston, T. D.	O'Neill, Charles	St. Martin,	Woodburn,
Jones, J. H.	O'Neill, J. J.	Stone, E. F.	Worthington.
Jones, J. T.	Outhwaite,	Stone, W. J., Ky.	
Kelley,	Owen,	Stone, W. J., Mo.	

The committee rose; and Mr. McMILLIN having resumed the chair as Speaker *pro tempore*, Mr. CRISP reported that the Committee of the Whole House on the state of the Union having found itself without a quorum, he had caused the roll to be called, and now reported to the House the names of the absentees.

The SPEAKER. The Clerk will report the names.

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

The question was taken on the motion to adjourn; and there were—ayes 54, noes 28.

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

The question was taken; and there were—ayes 15, noes 65.

Mr. HOLMAN demanded tellers on ordering the yeas and nays.

The question was taken; and there were ayes 15.

The SPEAKER *pro tempore*. Only fifteen members have voted in the affirmative—not one-fifth of a quorum. Tellers are refused, the yeas and nays are refused. The ayes have it, and the motion to adjourn is agreed to.

The House accordingly (at 1 o'clock and 37 minutes a. m., May 6, 1886) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of Mrs. Stephen H. Ballard and other citizens; and of Abbie E. Kernochan and others, of Massachusetts, for enactment of Senate bill No. 54—to the Committee on Indian Affairs.

By Mr. ARNOT: Petition of Lydia M. Kennedy for a pension; same to accompany House bill 8480—to the Committee on Invalid Pensions.

By Mr. ATKINSON: Memorial of Grange No. 787, of Pennsylvania, praying for the suppression of bogus dairy productions—to the Committee on Agriculture.

Also, memorial of the same, protesting against the free admission of foreign agricultural products—to the Committee on Ways and Means.

Also, memorial of the Society of Friends, praying that the Indians may be justly dealt with—to the Committee on Indian Affairs.

By Mr. BARBOUR: Petitions of U. T. Bartley, administrator of Oliver Bartley, deceased, and of James Beckham, of Orange County; of James S. Lowery, and of R. A. Lowery, administrator of John Lowery, deceased, of Stafford County; of John W. Fletcher, and of Mrs. William Francis, widow of William Francis, deceased, of Fauquier County; of John R. Hornbaker, of Prince William County; of Mrs. Martha A. Boxley, executrix of Silas Boxley, deceased, of Louisa County; and of William N. Hough, of Loudoun County, Virginia, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BRUMM: Petition of Barbara Ochtermeyer, for a pension—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Rachael Bothwell, for invalid pension—to the same committee.

By Mr. J. M. CAMPBELL: Petition of Grange No. 588, of Pennsylvania, asking for such legislation as will suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, petition of same, asking that the proposed tariff bill be so amended as to afford to wool and agricultural products the same protection that is accorded to other industries—to the Committee on Ways and Means.

By Mr. CATCHINGS: Papers in the claim of Harrison Winfield, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. DANIEL: Petition of citizens of Campbell County, Virginia, for appropriation to public schools—to the Committee on Education.

By Mr. DINGLEY: Evidence relating to House bill 8410 granting a pension to William G. Martin—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Petition of the Cotton Spinners' Union against the reduction of duties on spool cotton and yarns—to the Committee on Ways and Means.

Also, memorial of John S. Danahower—to the Committee on Invalid Pensions.

By Mr. EVERHART: Memorial of Religious Society of Friends of New York, praying for a strict compliance with the treaties and contracts with the Indians—to the Committee on Indian Affairs.

By Mr. FLEEGER: Memorial of Grange No. 135, of Crawford County, Pennsylvania, asking for the passage of bill to protect the dairy interests of the country—to the Committee on Agriculture.

Also, memorial of the same, protesting against all legislation favoring the admission to our ports free of duty of all agricultural raw material, such as wool, hides, jute, tobacco, raw sugars, rice, &c., and asking for agriculture the same protection that is accorded to other industries—to the Committee on Ways and Means.

By Mr. GROUT: Petition of P. W. Currier and 45 others, citizens of Vermont, praying for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HALL: Petition of Boswell A. Schellhouse, for relief, and for an appropriation of \$2,500 to enable him to go West and locate himself and family—to the Committee on Military Affairs.

By Mr. HARMER: Petition of employes of manufacturers of thread and spool cotton, protesting against a reduction of duties—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Letter from the Government Printer, showing why the report on animal industry has not been published, and that money is needed therefor—to the Committee on Appropriations.

By Mr. HILL: Petition of C. G. Hartly and others, of Miller; of John M. Randolph and others, of Plankinton; of John Connors and others, of Brookings; of A. Bertelson and others, of Marion; of G. H. Stalford and others, of Bee Heights; and of R. J. Garden and others, of Grand View, Dak., asking for the division of the Territory of Dakota on the seventh standard parallel, and organization of North Dakota—to the Committee on the Territories.

By Mr. LANHAM: Petition of citizens of Texas, in relation to the bill to regulate the transportation of live-stock—to the Committee on Commerce.

By Mr. LORE: Petition of Woman's National Indian Association, of Wilmington, Del., for the passage of the Dawes Sioux bill (S. 52)—to the Committee on Indian Affairs.

By Mr. MORGAN: Papers in claim of William E. Langston, of Coahoma County, Mississippi—to the Committee on War Claims.

By Mr. MURPHY: Petition of Knights of Labor, No. 2826, of Caldwell, Kans.—to the Committee on Railways and Canals.

By Mr. J. J. O'NEILL: Memorial of the Merchants' Exchange, of Saint Louis, urging the passage of Senate bill 1877, amending the law relating to the immediate transportation of dutiable goods, &c.—to the Committee on Ways and Means.

By Mr. OSBORNE: Petition of Cotton Spinners' Union, of Newark, N. J., against reducing tariff on spool cotton—to the same committee.

Also, petition of merchants and manufacturers of Baltimore, Boston, Chicago, New Orleans, New York city, and Philadelphia, urging the passage of House bill 1621—to the Committee on Commerce.

By Mr. PERKINS: Petition of the employes of Clark's O. N. T. Thread Company, of Newark, N. J., protesting against the proposed tariff legislation reducing the duty on thread—to the Committee on Ways and Means.

By Mr. PERRY: Memorial of the farmers' convention of South Carolina, praying the passage of House bill 2933, to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862—to the Committee on Agriculture.

By Mr. SENEY: Papers of Baltimore merchants and manufacturers, urging legislation for the relief of commercial travelers—to the Committee on Commerce.

By Mr. STAHLNECKER: Petition of merchants of New York and other cities, in favor of the James bill, House bill 1621—to the same committee.

By Mr. SWOPE: Petition of numerous merchants, in favor of the passage of the bill (H. R. 1621) to regulate commercial rates of goods and merchandise by samples, &c.—to the same committee.

By Mr. ZACH. TAYLOR: Petition of David H. Townsend, executor of Oswell P. Newby, deceased, of Shelby County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAM WARNER: Petition of Professor C. H. Stewart and 37 others, leading citizens of Johnson County, Missouri, asking legislation for National Board of Health—to the Committee on Commerce.

By Mr. WEST: Petition of Cotton Spinners' Union against the re-

duction of duties on spool cotton and yarns—to the Committee on Ways and Means.

By Mr. A. C. WHITE: Memorial of Grange No. 609, of Jefferson County, Pennsylvania, in favor of a law to prohibit the manufacture and sale of bogus dairy products—to the Committee on Agriculture.

Also, memorial of same, against the passage of the present tariff bill—to the Committee on Ways and Means.

By Mr. WISE: Petition concerning the manufacture of oleomargarine and butterine, and in opposition to Congressional interference therewith—to the Committee on Agriculture.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. FELTON: Of citizens of Santa Clara County, California.

By Mr. GUENTHER: Of citizens of Outagamie and Waushara Counties, Wisconsin.

## SENATE.

THURSDAY, May 6, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### IMPROVEMENTS ON MESCALERO INDIAN RESERVATION.

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 Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 1st instant from the Secretary of the Interior, submitting a draught of a bill recommended by the Commissioner of Indian Affairs, providing for the payment of improvements made by settlers on the lands of the Mescalero Indian reservation in the Territory of New Mexico. The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, May 5, 1886.

### BARGE-OFFICE BUILDING AT NEW YORK.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department recommending that an appropriation of \$28,343 be made for repairs and alterations of the barge-office building in New York city; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Los Angeles (Cal.) Board of Trade, praying that an increased appropriation be made for Wilmington Harbor, for the erection of a public building at Los Angeles, and for the establishment of a United States district court at that place; which was referred to the Committee on the Judiciary.

Mr. PALMER presented the petition of Mrs. K. Snyder and 12 other citizens of Charlotte, Mich., praying for appropriate legislation for the protection of young girls in the District of Columbia and other localities, within the jurisdiction of the United States; which was referred to the Committee on the District of Columbia.

Mr. EDMUNDS. I present the petition of S. F. Cummings, of Montpelier, Vt., and 21 other citizens of Vermont, praying for the passage of the bill taxing imitations and fraudulent manufactures of butter; a similar petition from R. C. Gates and a large number of others, citizens and farmers of Franklin, Vt., praying for legislation on the same subject; also the petition of Charles M. Mansfield, W. H. Foster, and a large number of other citizens of Sheldon, Vt., praying for relief in respect of the same matter; a similar petition from A. A. Marvin and sundry other citizens of Vermont on the same subject; also a petition on the same subject from Fay H. Herrick and other citizens of Vermont; and another of the same character from B. Contes Gallup and sundry other citizens of Vermont.

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

The motion was agreed to.

Mr. MILLER presented a petition of 300 citizens of Rome, N. Y., and vicinity, and a petition of 40 farmers of Mooers, N. Y., praying for the passage of the bill taxing all imitations of butter 10 cents a pound; which were referred to the Committee on Agriculture and Forestry.

Mr. CALL presented resolutions adopted by the Board of Trade of Fernandina, Fla., favoring an extension of the time for the completion of the road of the Florida Railway and Navigation Company; which were referred to the Committee on Public Lands.

He also presented a petition of 50 citizens of Monticello, Fla., a petition of 124 citizens of Tallahassee, Fla., a petition of 43 citizens of Lawtey, Fla., a petition of 25 citizens of Bronson, Fla., a petition of 35 citizens of Gadsden County, Florida, and a petition of 31 citizens of