

for the establishment of a ship-yard at that point—to the Committee on Naval Affairs.

By Mr. EVERHART: Petition of 1,124 citizens interested in railroads, praying for an appropriation to carry out the plans for the organization of section of steam transportation in the United States National Museum to perpetuate the history of steam transportation—to the Committee on Appropriations.

By Mr. GROUT: Petition of Allen Morse and 36 others, citizens of Calais, Vt., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HEWITT: Petition in the matter of William C. Phelan—to the Committee on the Judiciary.

By Mr. KELLEY: Petition of citizens of Wellsborough, Pa., praying for an increase of duties on wool, worsted, and woolen goods and yarns—to the Committee on Ways and Means.

By Mr. MARTIN: Petition of S. D. J. Moon, of Jefferson County, Alabama, on the subject of taxation—to the same committee.

By Mr. RANDALL: Petitions on behalf of the American Agricultural and Dairy Association and 1,760 dairy farmers in the States of Illinois, Missouri, Vermont, Indiana, Maine, Wisconsin, Minnesota, Pennsylvania, Delaware, Iowa, New York, Nebraska, Colorado, California, Kansas, Maryland, Ohio, and Michigan, praying for the passage of House bill 8328, placing the manufacture and sale of imitations of butter under the control of the United States Department of Internal Revenue and taxing them 10 cents a pound—to the Committee on Agriculture.

By Mr. RIGGS: Petition of C. B. Wells, of Adams, Ill., for taxation of oleomargarine—to the same committee.

By Mr. ROMEIS: Petition of Ellen Scranton and Hannah Scranton Stoner, heirs of Elizabeth Whitaker, for relief—to the Committee on War Claims.

By Mr. SENEY: Petition of Albert Buskirk and 161 others, citizens of Seneca County, Ohio, for taxing oleomargarine—to the Committee on Agriculture.

Also, affidavit in support of House bill 9103, for the relief of Mary A. Huffman—to the Committee on Invalid Pensions.

By Mr. WEBER: Petition for the establishment of postal-savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Petition of Joel R. Love; of Mollie Beaver, administratrix of William Beaver, deceased; and of John Smith, asking that claims, with accompanying papers, be referred to the Court of Claims—to the Committee on War Claims.

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. J. S. HENDERSON: Of citizens of Randolph County, North Carolina.

By Mr. SENEY: Of citizens of Wood County, Ohio.

By Mr. VOORHEES: Of citizens of Tacoma and Whatcom, Wash.

## SENATE.

WEDNESDAY, May 26, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

JOHN D. HAM—VETO MESSAGE.

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

To the Senate of the United States:

I return without approval Senate bill No. 1998, entitled "An act for the relief of John D. Ham," which grants a pension to the party named.

The claimant alleges that he enrolled in the Army in January, 1862, and was "sworn in at his own home;" that the next day he started on horseback to go to the regiment he was to join, and that on the way his horse fell upon his left ankle, whereby he sustained an injury which entitles him to a pension.

His name is not borne upon any of the rolls of the regiment he alleges he was on his way to join.

He filed his application for pension in the Pension Bureau October 17, 1879 (seventeen years after his alleged injury), which was rejected apparently on the ground that he was not in the military service when the disability claimed was incurred. He was drafted in 1863 and served until he was mustered out in 1865.

It is entirely clear that this claimant was not in the military service at the time he claims to have been injured; and his conduct in remaining at home until he was drafted, nearly two years afterward, furnishes proof that he did not regard himself as in the mean time owing any military duty.

These considerations and the further facts that upon being drafted he was accepted as physically qualified for service, that he actually thereafter served a year and eight months, and that he waited seventeen years before claiming pension for his injury, in my mind present a case upon which the claimant is entitled to no relief even if charity, instead of just liberality, is invoked.

GROVER CLEVELAND.

EXECUTIVE MANSION, May 25, 1886.

DAVID W. HAMILTON—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following

message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the Senate of the United States:

I herewith return without approval Senate bill No. 1290, entitled "An act granting a pension to David W. Hamilton."

A claim for pension filed by him in November, 1879, was rejected by the Pension Bureau on the ground that his alleged disability existed prior to his enlistment.

An examination of the records in the Adjutant-General's Office and a statement from the Pension Bureau derived from the claimant's application therefor pension, with a reference to the report of the committee to whom this bill was referred, disclose the following facts:

The claimant was mustered in the service as first lieutenant in September, 1861, and as captain June 12, 1862. He is reported as present with his company until the 30th of that month. For the six months immediately following the latter date he is reported as "absent sick," and for the ten months next succeeding and until October 27, 1863, as "absent on detached service." On the day last mentioned he tendered his resignation at Camp Morton, in the State of Indiana, to enable him to accept an appointment as captain in the Invalid Corps. He was thereupon so appointed upon account of "chronic enlargement of the spermatic cord, of several years' standing, consequent upon hydrocele." He remained in the Invalid Corps until July 12, 1864, when upon the tender of his resignation he was discharged.

Less than four months afterward, and on the 6th day of November, 1864, he was mustered in the service as a captain in another regiment of volunteers, and on the 17th day of November, 1865, again tendered his resignation, and was finally discharged.

Upon his application for pension under the general law, fourteen years thereafter, he admitted that he suffered from hydrocele as early as 1856, but claimed that an operation then performed for the same had given him permanent relief.

It will be seen that the claimant's term of service was liberally interspersed with sick leave, detached service, resignations, and membership in the Invalid Corps. He admits having the trouble which would naturally result in his alleged disability long before he entered the service; the surgeon upon whose certificate he was appointed to the Invalid Corps must have stated to him the character of his difficulty and that it was chronic; no application for pension was made until fourteen years after his discharge, and just prior to the expiration of the time within which large arrearages might have been claimed. There is no hint of any medical testimony at all contradicting the certificate of the Army surgeon made in 1863; but it is stated in the report of the committee that he can not procure medical testimony as to his soundness before entering the service because his family physician is dead. If he had filed his application earlier it would have appeared in better faith, and it may be that he could have secured the evidence of his family physician if it was of the character he desired.

After the Pension Bureau has been in operation for a score of years since the late civil war, equipped with thousands of employes charged with no other duty except the ascertainment and adjustment of the claims of our discharged soldiers and their surviving relatives, it seems to me that a stronger case than this should be presented to justify the passage of a special act, twenty-three years after an alleged disability, granting a pension which has been refused by the bureau especially organized for the purpose of allowing the same under just and liberal laws.

I am by no means insensible to that influence which leads the judgment toward the allowance of every claim alleged to be founded upon patriotic service in the nation's cause. And yet I neither believe it to be a duty nor a kindness to the worthy citizens for whose benefit our scheme of pensions was provided to permit the diversion of the nation's bounty to objects not within its scope and purpose.

GROVER CLEVELAND.

EXECUTIVE MANSION, May 25, 1886.

### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 8, 1886, reports of engineer officers, with maps, &c., as to providing the water supply of the capital with filters and other appliances for cleansing and purifying the water; which was read.

The PRESIDENT *pro tempore*. The communication from the Secretary of War will be printed, and the question of printing the maps, &c., will be referred to the Committee on Printing.

Mr. BUTLER. The communication should be referred to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. It will be referred to the Committee on the District of Columbia.

### PETITIONS AND MEMORIALS.

Mr. VEST presented resolutions adopted by the Fruit and Produce Exchange of Kansas City, Mo., in favor of the passage of the bill placing a tax of 10 cents per pound upon oleomargarine and butterine; which were referred to the Committee on Agriculture and Forestry.

Mr. HALE. I present a petition of the East Maine Annual Conference of the Methodist Episcopal Church, composed of eighty-six ministers and representing eight thousand eight hundred and one church members, praying for legislation by Congress providing measures of protection which shall enable the officers of the law to suppress efforts to drive out Chinese residents and to secure to such residents life, liberty, and the pursuit of happiness. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. COCKRELL. I present a petition signed by a number of attorneys of Saint Louis, Mo., petitioning Congress to provide a Federal code of procedure, and to invite each State and Territory to aid in its preparation, &c. I move the reference of the petition to the Committee on the Judiciary, before which the bill for that purpose is pending.

The motion was agreed to.

Mr. CALL presented a petition of citizens of Marion County, Florida, praying for an extension of the railroad grant to the State of Florida; which was referred to the Committee on Public Lands.

Mr. MILLER. I present a petition of Local Assembly No. 6157, Knights of Labor, of Schaghticoke, and District Association No. 68, Knights of Labor, of Troy, in the State of New York, praying for the de-

feat of the so-called Morrison tariff bill, and that the tariff be increased to protect the agricultural, mechanical, mining, and manufacturing industries of the United States. The petition is properly certified by the officers of the two assemblies. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. INGALLS presented the petition of William J. Uhler, of Lebanon, Pa., praying for additional legislation in his favor upon his pension certificate; which was referred to the Committee on Pensions.

Mr. EDMUNDS presented the petition of M. L. Childs and 25 other citizens of Bakersfield, Vt., praying for legislation taxing oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. EDMUNDS. I present two petitions, one from William H. Bliss, United States attorney, eastern district of Missouri, and E. Smith, assistant, and another from Mr. John F. Phillips, presiding judge of the court of appeals of Kansas City, Mo., praying Congress to provide a Federal code of procedure. I move the reference of the petitions to the Committee on the Judiciary.

The motion was agreed to.

Mr. EVARTS presented a petition of 17 physicians of Albany, N. Y., praying for the passage of a bill re-establishing the National Board of Health; which was referred to the Committee on Epidemic Diseases.

Mr. EVARTS. I present the petition of Margaret Madden, widow of Christopher Madden, late a private in Company B, Eighty-fourth Regiment New York Volunteers, praying for the passage of a special act of Congress granting her a pension. As the bill has been reported favorably, I move that the petition lie on the table.

The motion was agreed to.

Mr. GRAY presented the petition of L. P. Bush, M. D., and other citizens of New Castle County, Delaware, praying for the re-establishment of the National Board of Health; which was referred to the Committee on Epidemic Diseases.

#### REPORTS OF COMMITTEES.

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

- A bill (S. 2478) granting a pension to John Wines;
- A bill (H. R. 7162) granting a pension to Martha McIlwain;
- A bill (H. R. 6250) to increase the pension of Thomas A. Rowley;
- A bill (H. R. 8111) granting a pension to Rebecca Roberts;
- A bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings;

- A bill (H. R. 1142) granting a pension to Lydia Hadlock;
- A bill (H. R. 7703) granting a pension to Anna A. Probert;
- A bill (H. R. 7931) increasing the pension of Clark Boon; and
- A bill (H. R. 7914) to increase the pension of David M. Rennoc.

Mr. EDMUNDS. I am instructed by the Committee on Foreign Relations, to which was referred the bill (S. 2207) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868," respecting the Benjamin Weil business, to report it favorably with an amendment, and I ask leave on behalf of the committee and for the Senator from Alabama [Mr. MORGAN], who is on account of illness in his family necessarily absent, and who prepared the report on this bill, to submit that report as and for Mr. MORGAN from the committee at a later day, when it shall have been put in shape.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and leave will be granted as requested to file the report hereafter, there being no objection.

Mr. WHITTHORNE, from the Committee on Claims, to whom was referred the bill (S. 559) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers and others, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 1865) to pay J. C. Hamner, as administrator of George M. Hamner, deceased, the proceeds of certain cotton, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 749) for the relief of R. G. Huston & Co., moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 2529) for the relief of R. G. Huston & Co.; which was read twice by its title.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 2155) for the relief of John Wightman, moved its indefinite postponement, which was agreed to; and he submitted a report accompanied by a bill (S. 2530) for the relief of the legal representatives of John Wightman, deceased; which was read twice by its title.

Mr. VAN WYCK, from the Committee on the Improvement of the Mississippi River, submitted a report to accompany the bill (S. 546) to make the Lake Borgne outlet, to improve the low-water navigation of the Mississippi River from New Orleans, La., to Cairo, Ill., and inci-

dentally to reclaim and protect the valley lands of the Mississippi River and tributaries from overflow without levees, heretofore reported by him.

#### BILLS INTRODUCED.

Mr. MILLER introduced a bill (S. 2531) granting a pension to Sarah C. Camly; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2532) for the relief of Mrs. M. R. Casler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2533) for the relief of E. Remington & Sons; which was read twice by its title, and referred to the Committee on Finance.

Mr. VAN WYCK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (S. 2534) granting a pension to John H. Austin;
- A bill (S. 2535) granting a pension to K. T. Hammond;
- A bill (S. 2536) granting a pension to Thomas Brooks;
- A bill (S. 2537) granting a pension to Shelton Flannigan;
- A bill (S. 2538) granting an increase of pension to W. H. Morton; and

A bill (S. 2539) granting a pension to R. B. Powell.  
Mr. GRAY introduced a bill (S. 2540) for the relief of D. E. Downing; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. STANFORD introduced a bill (S. 2541) to authorize the establishment of export tobacco manufactories, and for drawback upon imported articles used in manufacturing exported tobacco; which was read twice by its title, and referred to the Committee on Finance.

Mr. SPOONER (by request) introduced a bill (S. 2542) to pay John Pope Hodnett for services rendered as counsel to the Government in the investigation into affairs of the District of Columbia, acting as such counsel by order of a resolution of the House of Representatives; also for acting as counsel for the workmen of the District of Columbia for fifteen years last past; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 2543) granting a pension to Jacob Mix and repealing the existing law; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2544) to increase the pension of Adrian C. Dodge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EDMUNDS. I introduce a bill to provide for the confinement of inebriates in the Government Hospital for the Insane, which I ask to have referred to the Committee on the District of Columbia, and I hope the committee will give it early attention.

It appears on examination, strangely enough, that under the laws in force in this District there is no power even to appoint a guardian of an inebriate and no power to restrain him against his will. Such power is limited to insane persons. I therefore hope the committee will give the bill early attention.

The bill (S. 2545) to provide for the confinement of inebriates in the Government Hospital for the Insane was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SHERMAN introduced a bill (S. 2546) granting a pension to Elijah E. Smedley; which was read twice by its title, and referred to the Committee on Pensions.

#### AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### RENT OF BUILDINGS IN WASHINGTON.

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

*Resolved*, That the Secretary of the Treasury be directed to inform the Senate what buildings are rented in the city of Washington for the use of the United States, and the annual rent of each.

#### RESTORATION OF NAVAL CADETS.

Mr. SAWYER. I move that the Senate now proceed to the consideration of the Calendar of private unobjected pension cases.

Mr. BUTLER. Before that is done I should be very glad to give notice of my intention to call up the bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes." The bill was reached on the Calendar and passed over on account of the absence of the Senator from Maine [Mr. HALE]. He is in his seat now, and I shall ask the Senate after the routine morning business on Friday morning to take the bill up and dispose of it.

Mr. PLATT. What is the bill?  
Mr. BUTLER. It is the bill restoring those cadets to the Navy who were legislated out of the Navy.

Mr. SAWYER. Is the bill likely to require much discussion?

Mr. BUTLER. I do not intend to call it up this morning. I give notice that on Friday morning I shall ask the Senate to consider the bill.

RECONSIDERATION OF PENSION BILLS.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of unobjected pension bills on the Calendar.

Mr. BECK. Before that is done, I ask the unanimous consent of the Senate for an order regarding three pension bills—the bill (H. R. 6039) for the relief of Greenville R. Hale, the bill (H. R. 6045) granting a pension to Adam Feltner, and the bill (H. R. 6457) granting a pension to Alfred Pickelsimer. These bills were reported adversely and indefinitely postponed. I ask that the order of indefinite postponement may be set aside and that the bills be recommitted to the Committee on Pensions. The Senator from Tennessee [Mr. WHITTHORNE] made the reports; and one of my colleagues in the other House who reported the bills there thinks he has some additional proof. I believe there will be no objection to the bills going back to the committee. I ask that that order be made.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to reconsider the action of the Senate by which the pension bills named by him were indefinitely postponed, and that they be recommitted to the Committee on Pensions. If there be no objection the several orders will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 356) granting a pension to Samuel Hanson.

ENROLLED BILLS SIGNED.

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

A bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;"

A bill (S. 2136) for the relief of Edward Fenlon;  
 A bill (S. 767) for the relief of John Leathers;  
 A bill (S. 327) granting a pension to James E. O'Shea;  
 A bill (S. 788) granting a pension to John L. Bruce;  
 A bill (S. 789) granting a pension to John S. Williams;  
 A bill (S. 895) granting a pension to Rachel Fleming Cellar;  
 A bill (S. 1124) granting a pension to William Bethuren;  
 A bill (S. 1169) granting a pension to John S. Bridges;  
 A bill (S. 1235) granting an increase of pension to Joseph W. Rhinehalt;

A bill (S. 1257) granting a pension to Henry Shively;  
 A bill (S. 1348) granting a pension to Sarah E. Henry;  
 A bill (S. 1726) granting a pension to Augustus Field Stevens;  
 A bill (S. 1770) granting a pension to J. H. Thornbury;  
 A bill (S. 2022) granting an increase of pension to Mrs. Hattie A. Burnett; and

A bill (S. 1357) granting a pension to Sarah A. Thomas.

JOHN W. FARRIS.

Mr. SAWYER. I now move that the Senate proceed to the consideration of private pension bills unobjected to.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first case on the Calendar of this class will be announced.

The CHIEF CLERK. Order of Business 1053, Senate bill 2045—

Mr. COCKRELL. The case just before that, the bill (H. R. 6136) granting an increase of pension to John W. Farris, was laid over the other day at the instance of the Senator from Connecticut [Mr. PLATT]. I ask that that bill be now taken up. I wish to make an explanation in regard to it.

The PRESIDENT *pro tempore*. If there be no objection the bill indicated by the Senator from Missouri will be first considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of John W. Farris, late first lieutenant and adjutant of the Forty-eighth Illinois Volunteers, for disease of eyes, subject to the provisions and limitations of the pension laws.

Mr. COCKRELL. The question was, and I thought the Senator from Connecticut was right at the time, that there ought to be some amount specified as to the increase; but I have examined the matter and conferred with the Pension Office, and I find that the bill is right. If the bill is passed, the Pension Office will rate the pension for sore eyes according to the degree of the disability resulting from the sore eyes, and they can increase or decrease it, just as the evidence may show the disability to exist.

Therefore the bill is right, and it will simply give the Pension Office the power to grant the claimant a rating for sore eyes, the Pension Office having declined to grant a pension on that score, but granted it for another matter.

Mr. PLATT. I had no objection whatever to the bill.

Mr. COCKRELL. I understand that.

Mr. PLATT. But I feared that it would not accomplish the object which was intended. However, if the Senator, having examined it, thinks it will, I withdraw my objection.

Mr. COCKRELL. I agreed fully with the Senator at the time and thought he was right, but on ascertaining the rule in the Pension Office I find that he was not.

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

MRS. SARAH HAMILTON.

The bill (S. 2045) granting a pension to Mrs. Sarah Hamilton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sarah Hamilton, widow of Thomas Hamilton, deceased, late a private in Company G, Thirty-seventh Regiment of Iowa Infantry Volunteers.

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

MRS. ABBIE B. HEATH.

The bill (S. 1997) granting a pension to Mrs. Abbie B. Heath was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abbie B. Heath, widow of John T. Heath, late of Company B, Twenty-fourth Regiment of Indiana Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 4, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1997) granting a pension to Abbie B. Heath, have examined the same, and report:

That the records in this case show that claimant is the widow of John T. Heath, late a corporal in Company B, Twenty-fourth Regiment Indiana Volunteers, and who was wounded in battle May 16, 1863, for which the soldier was pensioned July 30, 1864.

The records show also that from the date of the wound until the date of the soldier's death (October 20, 1880) the disabilities of the soldier steadily increased, which is testified to by the attending physician, and that the soldier's death was "caused by the wound and exhaustion of his system resulting from the military service."

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of the bill, and recommend its passage.

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

WILLIAM DICKENS.

The bill (S. 2269) granting a pension to William Dickens was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Dickens, late of Company A, Twenty-fourth Regiment Missouri Volunteers.

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

MARTHA J. TODD.

The bill (S. 2215) granting a pension to Mary G. Todd, widow of Dr. R. N. Todd, late of Indianapolis, was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, to change the name "Mary G. Todd" to "Martha J. Todd;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Todd, widow of Dr. R. N. Todd, late a surgeon in the United States Army.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting a pension to Martha J. Todd, widow of Dr. R. N. Todd, late of Indianapolis, Ind."

LAURINDA G. CUMMINGS.

The bill (S. 2267) granting an increase of pension to Laurinda G. Cummings was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Laurinda G. Cummings, widow of Bvt. Brig. Gen. Gilbert W. Cummings, at \$50 per month, instead of the pension she now receives; but nothing in the act is to entitle her to arrears of pension.

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

ELIZABETH CROWLEY.

The bill (H. R. 5332) granting a pension to Elizabeth Crowley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Crowley, widow of Thomas Crowley, late of Company G, Ninth Regiment New Jersey Volunteers.

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

JOHN HUNTER.

The bill (H. R. 1990) granting a pension to John Hunter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Hunter, late of Company H, Second Pennsylvania Cavalry.

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

EMMA M. SHINER.

The bill (H. R. 5331) granting a pension to Emma M. Shiner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emma M. Shiner, widow of Robert T. Shiner, late a private in Company B, Third Regiment New Jersey Cavalry Volunteers.

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

JOSEPH E. VAN HORN.

The bill (H. R. 4723) granting a pension to Joseph E. Van Horn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph E. Van Horn, late veterinary surgeon of Company B, Fourth Pennsylvania Cavalry Volunteers.

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

BENJAMIN S. WOLVERTON.

The bill (H. R. 5336) granting a pension to Benjamin S. Wolverton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin S. Wolverton, late a private in Company A, Fifteenth Regiment New Jersey Volunteers.

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

PHILIP DEREMER.

The bill (H. R. 5335) granting a pension to Philip Deremer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Philip Deremer, late a private in Company B, Thirty-first Regiment New Jersey Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. SEWELL May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5335) granting a pension to Philip Deremer, have examined the same, and report as follows:

The committee find from the papers in this case that this soldier was a private in Company B, Thirty-first Regiment New Jersey Volunteers.

He claims pension upon disabilities resulting from sun-stroke while on duty at Falmouth, Va., in 1863.

The claim was rejected on the ground that there was no record of such disabilities.

Dr. P. G. Creveling, his family physician, makes affidavit that at the time of enlistment he was a sound, healthy man, and was in no way subject to nervous or chronic disease. There are nine affidavits made by as many of his neighbors, intimate with him before his enlistment, who, from personal knowledge, testify that he had never been troubled with sun-stroke or epileptic convulsions therefrom previous to entering the service, and they had known him as a strong and robust man.

Three comrades of the soldier swear that they saw him when attacked by sunstroke on dress parade, and that of their own knowledge he suffered from epileptic fits and convulsions while he remained in the service, and was treated therefor by Dr. Jennings, one of the regimental surgeons, and another comrade heard the surgeon say it was sun-stroke, as the claimant was being carried away. These comrades were all present at the time, as is shown by the Adjutant-General's reports, and from the pension inquiries are shown to be men of truth and veracity.

The testimony since the soldier's discharge is abundant as showing him to be continuously subject to epileptic convulsions, nine of his neighbors and employers making affidavits to that effect; and further, that they are so frequent as to render him unfit for any but the lightest labor and that at infrequent periods. Dr. S. A. McCash treated him for these convulsions, and states in his evidence that he was disabled from continuous work, and upon examination could find nothing to show hereditary troubles of this nature. The testimony of other physicians verifies these statements.

The committee therefore recommend the passage of the bill.

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

JENET L. JOHNSON.

The bill (H. R. 5702) granting a pension to Jenet L. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jenet L. Johnson, widow of John Johnson, late a private in Company K, Fifteenth Regiment of New Jersey Volunteers.

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

DARIUS M. SEAMAN.

The bill (H. R. 1279) granting a pension to Darius M. Seaman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Darius M. Seaman, late of Company C, One hundred and fiftieth Regiment Pennsylvania Volunteers.

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

LEWIS TYUS.

The bill (H. R. 247) granting a pension to Lewis Tyus was considered as in Committee of the Whole. It proposes to place the name of Lewis Tyus, late a private in Company D, Santa Fé Battalion (mounted), Mexican war, on the pension-roll at the rate of \$40 per month.

Mr. COCKRELL. Let the report be read in that case. The bill gives a very large amount.

The Chief Clerk read the following report, submitted by Mr. COLQUITT May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 247) granting a pension to Lewis Tyus, have carefully examined the same, and recommend the passage of the bill.

The subjoined House report, which the committee adopt, is a correct statement of the facts:

Lewis Tyus enlisted as a private in Company A, Captain Augney's Battalion of Missouri Volunteers, on the 15th day of June, 1846, at Fort Leavenworth, to serve in the Mexican war. He was honorably discharged at Santa Fé, June 14, 1847. He re-enlisted for the war at Santa Fé, July 13, 1847, and was honorably discharged at Independence, Mo., on the 27th of October, 1848, as a private in Company D, Santa Fé Battalion Missouri Volunteers.

Mr. Tyus while in the service contracted scurvy, and from the effects of the disease lost his teeth and lost almost the sight of both his eyes. He is nearly totally blind. He has not been able to find any surviving comrade or commissioned officer or surgeon by whom he could prove the foregoing facts. No record can be found showing his treatment for this disease; but none can be found contradicting in any particular his sworn statement. He is supported in all other respects by the records in the Adjutant-General's Office. His present condition of blindness, now nearly complete, is fully established. A large number of reputable citizens, his neighbors, who have known him for periods ranging from ten to twenty-five years, certify to his good character and trustworthiness, and state they have always found him honorable, upright, and truthful. Mr. Turner, a member of the House, knows him and believes his statements. Mr. Tyus was also a soldier in the Seminole war of 1836.

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

MARY MARTIN.

The bill (S. 2232) granting a pension to Mary Martin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Martin, widow of Thomas Martin, late a private in Company C, Second Massachusetts Volunteers.

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

AMOS C. WEEDEN.

The bill (H. R. 8085) granting a pension to Amos C. Weeden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amos C. Weeden, on account of disabilities contracted while serving under a commission as a captain in the Sixth Regiment of Rhode Island Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. ALDRICH May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 8085) granting a pension to Amos C. Weeden, have examined the same, and adopt the report of the House of Representatives, No. 1785, of the present Congress:

[House Report No. 1785, Forty-ninth Congress, first session.]

The Committee on Invalid Pensions have received from the Commissioner of Pensions a letter dated February 3, 1886, of which the following is a copy:

"Under the joint resolution approved May 29, 1830, which provides that meritorious cases for which there is no provision of the general law be transmitted to Congress, I have the honor to transmit herewith the papers in the case of Amos C. Weeden, late second lieutenant and captain and acting assistant quartermaster, artillery brigade and First Division, Fifth Army Corps, application No. 209047, to consider the propriety of placing his name on the pension-roll. It appears from the evidence in the case that he rendered service in good faith from April 22, 1862, and November 15, 1862, respectively, under commissions from the governor of Rhode Island, and was recognized as of those grades at the time by the duly constituted authorities of the United States. It also appears that while he was thus engaged he became disabled, and was discharged March 3, 1863, upon surgeon's certificate of disability because of subacute inflammation of the neck of the bladder, and has been troubled with his urinary organs continuously since his discharge. The claimant filed an application for pension October 12, 1875, alleging injury to back, resulting in spasmodic rheumatism, and in a subsequent declaration filed October 15, 1885, he alleges that the aforesaid injury also resulted in inflammation of the bladder and kidneys, and the claim was rejected January 29, 1886, upon the ground that claimant is not recognized as having been an officer of the United States Army, as shown by the report of the Adjutant-General, United States Army, in this case, under date of January 14, 1886.

"In view of the fact that the soldier did perform good and valuable services, and became disabled while in the said service, and is still suffering from disabilities, the result of his said military service, it seems to be a case worthy of the consideration of Congress with a view to special legislation to give title."

Accompanying the letter above quoted came the original papers filed in this case in the Pension Office, including the commissions issued by the governor of Rhode Island and other original papers relating to claimant since. The Adjutant-General reports that—

"Amos C. Weeden enlisted as a private in Company A, First Rhode Island Artillery, June 6, 1861, and discharged April 22, 1862, to accept promotion to second lieutenant in Sixth Rhode Island Volunteers. Can not be recognized as a commissioned officer of Sixth Rhode Island Volunteers, said regiment having failed of organization. He appears to have entered on duty without muster, and is first borne on muster-roll of Company D, Fifth United States Artillery, for March and April, 1862, as second lieutenant Sixth Rhode Island Volunteers, by order of governor of Rhode Island, April 22, 1863. Assistant quartermaster division of artillery by special order No. 147, Porter's division, April 25, 1862. Drew pay as second lieutenant Sixth Rhode Island Volunteers on muster and pay roll of Company D, United States Artillery, to September 30, 1862. Was relieved from duty with the division artillery and assigned to duty as acting assistant quartermaster, Griffin's brigade, July 27, 1862. He first appears as captain in orders from division headquarters, announcing him as assistant quartermaster of First Division Fifth Army Corps, November 15, 1862. There is no record of his having been paid as captain. The following order also appears of record:

"[Special Orders No. 46.—Extract.]

"HEADQUARTERS FIFTH ARMY CORPS,

"Camp near Falmouth, Va., March 3, 1868.

"The following-named officers, having tendered their resignations, are honorably discharged from the military service of the United States on surgeon's certificate of disability:

"Capt. Amos C. Weeden, Sixth Rhode Island Volunteers.

"By command of Maj. Gen. G. G. Meade.

"—————"

Notwithstanding all this evidence of service in his possession, the Adjutant-General, under date of January 14, 1886, positively refuses to recognize Weeden as an officer in the service for the reason that the Sixth Rhode Island Volunteers failed to complete its organization, and that he declined his appointment as captain and assistant quartermaster of volunteers.

The declination of this appointment was due, however, to disability contracted prior thereto. Medical examinations show claimant greatly disabled by reason of disease of kidneys and rheumatism, disabilities shown to have been contracted in the service and line of duty.

Your committee concur in the opinion of the Commissioner of Pensions that the case is worthy of the consideration of Congress, and that, inasmuch as the technical ruling of the Adjutant-General would defeat a meritorious claim, relief should be afforded to the claimant, and therefore beg leave to submit the accompanying bill and ask that it do pass.

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

GRACE F. EDES.

The bill (S. 2144) granting an increase of pension to Grace F. Edes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Grace F. Edes, widow of Benjamin Long Edes, late a lieutenant-commander in the United States Navy, at the rate of \$50 per month.

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

ROBERT BEARD.

The bill (H. R. 5899) to place the name of Robert Beard on the pension-roll was considered as in Committee of the Whole. It proposes to place the name of Robert Beard, late of Company B, One hundred and first Regiment United States Colored Troops, on the pension-roll.

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

ELLEN CRYMBLE.

The bill (H. R. 1548) for the relief of Ellen Crymble was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen Crymble, widow of Stephen Crymble, formerly a member of Company E, Seventy-ninth Regiment New York State Infantry Volunteers.

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

JOEL D. MONROE.

The bill (H. R. 4058) for the relief of Joel D. Monroe was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joel D. Monroe, late a private in Company C, One hundred and eleventh New York Volunteers.

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

HENRY HIPPLE, JR.

The bill (H. R. 6897) granting a pension to Henry Hipple, jr., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Hipple, jr., late a musician in Company H, One hundred and twenty-seventh Regiment Pennsylvania Volunteers.

Mr. COCKRELL. Let the report be read, that we may see why the musician should draw a pension.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6897) granting a pension to Henry Hipple, jr., have examined the same, and report:

Your committee have carefully considered the facts of this case, and adopt the statement of them as set forth in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1501) hereto annexed, and recommend the passage of the bill.

Henry Hipple enlisted in Company H, One hundred and twenty-seventh Regiment Pennsylvania Volunteers, as a musician, August 6, 1862, and was discharged May 29, 1863.

He claims a pension on account of rheumatism, alleged to have been contracted at or near Port Tobacco, Md., about November 29, 1862.

The Pension Office rejected the claim on the ground that there is no record of treatment, in service or since, or other satisfactory evidence of incurment.

The records of the Adjutant-General's office furnish no evidence of alleged disability.

The board of examining surgeons at Harrisburg, Pa., certify, in their report dated August 21, 1881, as follows:

"In our opinion the said Henry Hipple is three-fourths totally incapacitated for obtaining his subsistence by manual labor from rheumatism. Judging from his present condition and from the evidence before us, it is our belief that the said disability did originate in the service aforesaid, in the line of duty. The disability is permanent. Applicant has aortic valvular disease of the heart, due, probably, to rheumatic endocarditis; blowing sound well marked. He states that he suffers pain in limbs, and especially in lumbar region, during damp weather."

*Before service.*—Dr. George F. Mish testifies, August 13, 1882, that he was family physician of claimant's father prior and up to 1857, and that claimant was sound; that from 1857 to 1860 the family was attended by Dr. James Lowe, who is now dead; that claimant was a sound man at enlistment, and that if he had been otherwise he would have known it.

David Hyde and Samuel F. Treley, in affidavit filed August 13, 1882, testify that they knew claimant from boyhood, and that he was a stout, hearty young man, and free from rheumatism at enlistment.

*In service.*—Claimant states that he was not treated while in service. Lieut. Isaiah Willis testifies that claimant contracted rheumatism at or near Port Tobacco, Md., about November 29, 1862, while in line of duty. Knowledge from having been first lieutenant of the company, and being present in command at the time.

*Since service.*—Claimant testifies that he has not had medical treatment since discharge.

Lieut. Isaiah Willis, August 13, 1882, testifies that at different periods of the year since discharge claimant has had attacks of rheumatism so bad as to disable him from following his occupation.

David Hyde and Samuel F. Treley testify substantially the same as Lieutenant Willis.

It thus appears that this claimant was well when he entered the service; that he contracted rheumatism while in it, which disease still continues, and resulted in valvular disease of the heart. The board of examining surgeons find that the "apex of the heart is below the seventh rib and that the left heart is hypertrophied, and rate his disability as three-fourths total."

There remains no doubt in the minds of your committee that this soldier is now suffering from disability, the result of disease contracted in the Army. They therefore report favorably and recommend the passage of the bill.

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

CHARLES SEBRING.

The bill (H. R. 3135) granting an increase of pension to Charles Sebring was considered as in Committee of the Whole. It proposes to increase the pension of Charles Sebring, late a private in Company F of the Forty-eighth Regiment Indiana Volunteers, to \$40 per month, in lieu of the pension now received.

Mr. COCKRELL. Let the report be read.

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

The Chief Clerk read the following report, submitted by Mr. BLAIR May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3135) granting a pension to Charles Sebring, have examined the same, and report:

The facts upon which the increase asked by the above bill are detailed in the full report of the Committee on Invalid Pensions of the House of Representatives, hereto appended (House report No. 1205), which your committee adopt, and recommend that the bill do pass:

That Mr. Sebring is now receiving a pension of \$30 per month on account of loss of his left arm above the elbow by a gunshot wound received in battle while he was a private in Company F, Forty-eighth Regiment Indiana Volunteers.

He filed an application for increase of pension on account of additional disability produced by two other wounds, one of the right forearm and the other the left thigh, received in battle at the same time and place as the wound for which he is now pensioned.

This claim for increase was rejected on the ground that his injuries had not resulted in permanent total helplessness, and that he is now receiving the highest rate authorized by law for a disability not requiring the regular aid and attendance of another person.

The board of surgeons at Kalamazoo, Mich., in their certificates dated September 28, 1883, state that the examination of the applicant reveals the following conditions:

"(1) His physical condition is poor; his left arm is off at junction of the upper and middle third; the cicatrix is adherent to a large neuroma, which is very sensitive and painful.

"(2) A ball entered over the head of the right ulna, fracturing it and making its exit on the inner side of the forearm over the ulna, at the junction of the middle with the lower third, injuring the ulna nerve. The index finger of the right hand can be straightened and the thumb is useful; the other fingers are flexed on the palm of the hand, but can be opened a little. He can carry a pail and can feed himself. Supination and pronation of the forearm fair. The forearm is a little shrunken and numb.

"(3) Gunshot wound of left thigh; the ball entered the upper portion of the middle third on its outer aspect, fractured or splintered the thigh bone and passed downward and inward, and came out on the inner aspect of the lower third. The upper portion of the left thigh is three-fourths of an inch smaller than the right. He complains of weakness of the thigh and pain in walking."

The wound of the left thigh has caused a disability which is rated by the board of surgeons at one-half.

The condition of the right forearm and hand contributes very largely to his disability; and while he is not in a condition of total helplessness entitling him to \$50 a month, your committee think he is fairly entitled to some increase, and therefore recommend the bill be amended giving him \$40 per month in lieu of the pension now received, and that the bill so amended do pass.

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

ISAIAH H. MITCHELL.

The bill (H. R. 3144) granting a pension to Isaiah H. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaiah H. Mitchell, late a private in Company C, Twenty-ninth Regiment of Indiana Volunteers.

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

MISS MARGARET STAFFORD WORTH.

The bill (S. 2030) granting a pension to Miss Margaret Stafford Worth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Miss Margaret Stafford Worth, dependent daughter of Maj. Gen. William J. Worth, at the rate of \$50 per month.

Mr. COCKRELL. Let the report be read in that case.

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

The Chief Clerk read the following report, submitted by Mr. BLAIR May 4, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2030) granting a pension to Miss Margaret Stafford Worth, have examined the same and report:

The claimant, Miss Margaret Stafford Worth, is the only surviving unmarried daughter of the distinguished Maj. Gen. William J. Worth. She is now living in the city of Washington, with seven of her father's grandchildren to support, in great poverty and without adequate means of subsistence. She has until now managed to support herself and these children, with some assistance, but is now confined to her bed and dangerously ill, so that she will henceforth be dependent on charity. It is a shame that the daughter of one of the most distinguished generals who ever served this Government, and who gave his life to her support, should be reduced to such an extremity in her old age. Congress has granted such relief in many cases of far less merit than this, and your committee think that it would be a fitting tribute to the memory of one of our bravest soldiers,

The following papers show the principal facts of this case, and your committee report back the bill and recommend that it do pass:

Petition of Margaret S. Worth to the United States Senate and House of Representatives for a pension.

William Worth, great-grandfather of Maj. Gen. W. J. Worth, United States Army, left Devonshire, England, on account of religious persecution, landed on the New England coast in 1640. Having protected and sheltered a Quaker, he, with two others, took refuge in a small boat, put to sea without chart or compass, and drifted to the island of Nantucket. There they soon became land owners, and resorted to the sea as a profession. Thomas Worth, his grandson, in time became an owner of ships, and moved to Hudson, N. Y., where he married, and there William J. Worth was born.

At an early age William J. Worth placed himself in the large mercantile house of Starr & Sheldon, in Albany, N. Y., where he served as clerk until the war of 1812 breaking out, he was offered and accepted the position of private secretary to General Morgan Lewis.

Desiring more active service, he sought and received a commission as lieutenant in the United States Army, serving in every grade and always receiving the commendation of his superior officers and of his countrymen.

At the battle of Lundy's Lane he received a wound from which he never entirely recovered, and twice within your petitioner's memory the opened wound, after exposure in the field, produced inflammation and danger to life.

At the close of the war of 1812, with the brevet rank of major, he was ordered to West Point, where, for nine years, he bent all his energies to raising the standard of the institution to a point never before attained. While at West Point Major Worth married the daughter of Mr. John Stafford, whose ancestors came to America in 1605, a descendant of the family of Stafford, of Warwick, England.

Col. Joab Stafford, Mrs. Worth's grandfather, was severely wounded in the Revolutionary war, and his son was in the battles of Crown Point and Bennington.

Major Worth's next post was Fortress Monroe, where he was instructor in artillery. While there he was sent with the Black Hawk expedition to quell the Indian troubles in the Northwest.

From Fortress Monroe he was transferred to the Ordnance Corps, and made inspector, which duty gave him an annual ride over the Alleghanies, at a period when such a journey was attended with peril. He was then ordered to arrange for the transfer of the Cherokee Nation to its new home on the Arkansas River.

In 1837 he was made colonel of the new regiment, the Eighth Infantry. The patriot war breaking out on the Canada border, he was instrumental in effecting an amicable settlement of the disturbance.

He was then ordered to Florida, placed in command, conducted the campaigns against the hostile Seminoles, and after many perils, from the climate as well as the military operations, in which he had five engagements with the Indians, he effected a peace, which had until that time been fruitlessly sought by his predecessors, and removed the Indians from the territory to their new home west of the Arkansas.

While on this duty the little fortune which he had hoped to leave for the support of his family had, by the dishonesty of his attorney, been swept away. After the peace he desired to return to the North and endeavor to reclaim something out of the wreck, but being ordered to Mexico, he was prevented from executing his intention, and his family never recovered a cent.

In Mexico he led his division in the battles of Monterey, Vera Cruz, Cerro Gordo, the advance on Puebla, Molino del Rey, Chapultepec, Churubusco, the Garita of San Cosme, and was the only general officer who slept within the city gate on that memorable night.

He was the first to land at Vera Cruz and the last to leave Mexican soil. After the close of the war he was ordered to Texas, where the cholera was raging; and there he died, at the post of duty.

I, Margaret Stafford Worth, the only unmarried daughter, having seven of my father's grandchildren almost entirely dependent upon me for support, petition the gentlemen of the United States Senate and House of Representatives to grant me a pension of \$50 a month.

#### BATTLES IN WHICH GENERAL WORTH WAS ENGAGED.

Chippewa, Niagara, Fort Erie, Lundy's Lane; five battles in Florida—Monterey, Vera Cruz, Cerro Gordo, Puebla, Churubusco, Chapultepec, Molino del Rey, battle of the City of Mexico, San Antonio, Garita of San Cosme.

Received the thanks of Congress, State of New York, State of Louisiana, State of Texas, State of Florida.

He received a sword from Congress, from the State of New York, the State of Louisiana, city of Hudson.

A monument worthy of the city of New York was erected to his memory by its citizens.

#### WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.

Washington, April 15, 1886.

[Statement of the military service of William J. Worth, late of the United States Army, compiled from the records of this office.]

He was appointed first-lieutenant Twenty-third Infantry, March 19, 1813; promoted captain, August 19, 1814; retained as captain, Second Infantry, May 17, 1815, in the reorganization under the act of March 3, 1815, and as captain of the First Artillery, June 1, 1821, in the reorganization under the act of March 2, 1821; appointed major of ordnance, May 30, 1832, and colonel Eighth Infantry, July 7, 1838.

He was brevetted captain, July 5, 1814, "for his gallant and distinguished conduct on the said 5th of July, in the battle of Chippewa;" major, July 25, 1814, "being the day of the battle of Niagara, in which Captain Worth was distinguished by his gallantry and good conduct;" lieutenant-colonel, July 25, 1824, "for ten years' faithful service in the grade of brevet major;" brigadier-general, March 1, 1842, for gallantry and highly distinguished services as commander of the forces in the war against the Florida Indians, and major-general, September 23, 1846, "for gallant and meritorious conduct in the several conflicts at Monterey, Mexico."

On May 2, 1847, he was presented by Congress with a sword of honor, "in testimony of the high sense entertained by Congress of his gallantry and good conduct in storming Monterey."

He served in the war of 1812-'15 with Great Britain as aid-de-camp to Major-General Lewis from some time in 1813 to April 6, 1814, and as aid-de-camp to Brig. Gen. Winfield Scott, also acting brigade major in the campaign on the northern frontier until severely wounded in the battle of Niagara July 25, 1814; absent wounded to December, 1814; aid-de-camp to Maj. Gen. Winfield Scott, commanding the tenth military district to April 6, 1815; on leave to August, 1815; with regiment in garrison at Sacket's Harbor, Greenbush, Plattsburg, N. Y., to August, 1819; on recruiting service to March 16, 1820; commandant of cadets and instructor of infantry tactics at the United States Military Academy to December 2, 1828; with regiment at Fort Monroe, Va., and on detached duty at that post, as director of the Artillery School of Practice, to May, 1832; commanding Fort Monroe arsenal, Virginia, Frankford arsenal, Pennsylvania, and Watervliet arsenal, New York, to June, 1838; commanding his regiment at Madison barracks, Albany and Ogdensburg, N. Y. (also from January to December,

1839, the Northern Department), to May, 1840; in Wisconsin Territory to July, 1840; en route and in the Florida war against the Seminole Indians (being also in command of the district of Tampa from January to May, 1841; of the army of Florida from May, 1841, to July 25, 1842, and of the Ninth Military Department embracing Florida, to August 22, 1842, and from October 31, 1842, to September 14, 1845; was absent with leave from August 22 to October 30, 1842), to September 26, 1845; commanding the first brigade of the army of occupation in the war with Mexico, to April 8, 1846; on leave to May 27, 1846; commanding the first brigade of the army of occupation, to July 27, 1846, the second division of that army to February 23, 1847, the first brigade, first division of regulars in the army of invasion, to April 1, 1847, the first division to June 21, 1848, being engaged in the battle of Monterey, September 21-23, 1846; siege of Vera Cruz, March 9-29, 1847; battle of Cerro Gordo, April 17-18, 1847; capture of San Antonio, August 19, 20, 1847; battle of Churubusco, August 20, 1847; of Molino del Rey, September 8, 1847; of Tacubaya, September 12, 1847, and of Chapultepec and San Cosme, September 13, 1847, also in the assault and capture of the City of Mexico, September 13, 14, 1847.

He commanded the army in Mexico from June 21 to July 15, 1848, and the Eighth and Ninth Military Departments, comprising Texas and New Mexico, from November, 1848, to May 7, 1849, upon which date he died at San Antonio, Tex.

J. C. KELTON, Acting Adjutant-General.

WASHINGTON, D. C., April 22, 1886.

The petitioner, Miss Margaret S. Worth, the daughter of Major-General Worth, who for many years was one of the senior officers of our Army, is now advancing in years, is in failing health, and is no longer able to earn sufficient for her support.

Being now thrown upon her own resources she is at present in almost destitute circumstances.

If Congress, in view of the distinguished services of General Worth, should deem it proper to extend the charity for which Miss Worth petitions they could not find a more worthy object.

P. H. SHERIDAN, Lieutenant-General.

SAINT LOUIS, April 24, 1886.

I commend the foregoing petition to all generous men who love their country and its heroes.

General Worth was one of the most brilliant and conspicuous officers in the war of 1812, Mexican war, and Florida war. He died in the military service on the frontier. I know the petitioner to be his daughter, the only one, I believe, who never married, who has been toiling for years to support herself and help her sister's children. She is now old and feeble, and it will be a graceful act for Congress to recognize her as the orphan of the nation.

W. T. SHERMAN.

[Office of the attending surgeon, United States Army, No. 1733 G street north-west.]

WASHINGTON, D. C., April 20, 1886.

GENTLEMEN: I have learned with pleasure that a bill has been introduced into the Senate conferring a pension on Miss Margaret S. Worth.

The services of her distinguished father are a part of the history of the country. Miss Worth has been my friend and patient for a long time. I know that her means are narrow, and that her health is much impaired. She is suffering under profound nervous exhaustion, from which there is little or no probability of her recovery. Therefore she is not likely to ever be able to carry on the clerical work on which she has depended for a livelihood.

Trusting that Miss Worth's case may receive your favorable action,

I remain, your obedient servant,

R. M. O'REILLY, M. D., U. S. A.,  
Attending Surgeon.

The COMMITTEE ON PENSIONS, United States Senate.

WASHINGTON, D. C., April 20, 1886.

GENTLEMEN: I desire to say that I have known Miss Margaret Worth, daughter of the late General Worth, United States Army, for some years, and have, upon several occasions, been called upon to prescribe for her, and know that her present state of health is very precarious; in my opinion, she is physically unfitted to discharge the duties of her office, and that a due regard for her health demands, for some time or permanently, absolution from those duties.

She is of a delicate, nervous organization, and confinement to business has been and must be injurious to her.

In view of the distinguished services of her father, and her present enfeebled condition preventing her from earning a proper livelihood, I think the granting of a pension would be most meritorious and deserved.

I am, very respectfully,

D. L. HUNTINGTON,  
Surgeon, United States Army.

To the COMMITTEE ON PENSIONS,  
United States Senate.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,  
Washington, April 22, 1886.

To the Committee on Pensions, United States Senate:

I take the liberty of addressing you in advocacy of the application for pension made for Miss Margaret Worth, eldest daughter of the late Maj. Gen. W. S. Worth, United States Army.

I have known Miss Worth over thirty years, and know that her life has been devoted to the care and support of dependent descendants of General Worth, her sisters, nieces, and nephews. For some years she has labored as a clerk in a public office. Her health is now very much impaired, and she is almost incapacitated for further work.

I would most respectfully urge that a pension may be granted her.

I have the honor to be, very truly and respectfully,

R. MURRAY,  
Surgeon-General, United States Army.

It seems like presumption in me to bear testimony to the services of Major-General Worth, to whom the Congress of the United States and the Legislatures of four States have voted their thanks and presented swords of honor, and to whose memory the great city of New York has erected a stately monument inscribed with the principal events in his distinguished career—his wounds, his battles, his commands—from the war of 1812, as a mere lad, to his death nearly forty years after from cholera, at his post, as such a martyr to duty as if he had been shot on the field of battle.

His successful termination of the Florida war as a general-in-chief, his brilliant services as a general of division in Mexico, are matters of history; but there were incidents with which history does not deal and which are known to

me. He was habitually at the point of danger. This characteristic enabled him to snatch victory from three times his force at Molino del Rey, when a disastrous defeat seemed imminent from mere force of numbers. He was the first general and one of the first persons in the City of Mexico when the gates of that town were carried by assault, and he was not only the last general but the last person in the Army to leave it at the end of the war. There were signs of serious disturbance and riot among the "leperos," the lowest order of the inhabitants, and he saw every soldier, woman, and child safely out of the gates before he himself left the city.

If it is possible for any man to establish such a claim on the gratitude of his country as to entitle a daughter to aid in her distress, then General Worth has established such a claim.

HENRY I. HUNT,  
Brevet Major-General, U. S. Army.

WASHINGTON, D. C., April 7, 1886.

It was not my privilege to know General Worth personally, as he died in the year in which I entered the Army. He died at his post of duty from a disease to the fatal effects of which the requirements of the public service compelled him to expose himself. Every officer who entered the Army about my own time can testify to the marks of high tone and elevated soldierly ideas which were impressed upon our small Army by his instruction, and his bearing as commandant of cadets, and by his distinguished conduct on many fields of battle in the interest of our country. He was a type of a soldier on which the heroes of the Mexican war and those of our later struggle on either side tried to model themselves. If we were asked to grant a pension to the daughter of Andrew Jackson, I do not think there would be a dissenting voice in the nation, and I do not think there ought to be one to granting to the daughter of General Worth, who is in need of a slight tribute in recognition of the distinguished services of her father.

A. BAIRD,  
Brevet Major-General.

WASHINGTON, D. C., March 31, 1886.

The honorable Committee on Pensions, United States Senate:

I do not know well enough the pension laws to know whether Miss Worth is under them entitled to any pension arising out of her father's (General Worth) very distinguished and well-known services. I presume that it can be granted only by a special law.

When I went to West Point, fifty years ago, as a cadet, no name, except General Scott's, was more often spoken of by officers of the Army. I grew up in admiration of his eminent qualities and high deeds as a soldier in the war of 1812 on the Niagara frontier, when he excited the admiration of his comrades, many of whom I learned to know.

He served with equal distinction through the war with Mexico, and died full of honors, and left little, I think, to his family except name and reputation. I shall be glad to learn that if Miss Worth, his daughter, needs it, she succeeds in obtaining a pension from the country he served so well in its and in his youth and manhood.

I am, respectfully, your obedient servant,

M. C. MEIGS,  
Quartermaster-General retired, Brevet Major-General, United States Army.

The late General William Worth was a very distinguished officer in the Army of the United States, as his record will show. His eldest daughter, Miss Margaret Worth, now of this city, who is in feeble health, is applying for a pension, which I sincerely hope may be granted her.

D. H. RUCKER,  
Brigadier-General, United States Army, retired.

WASHINGTON, D. C., April 22, 1886.

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

JOSIE H. BABB.

The bill (H. R. 7330) granting a pension to Josie H. Babb was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Josie H. Babb, widow of John W. Babb, late a musician in Company I, Fifteenth Regiment New Hampshire Volunteers.

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

JOSEPHINE DA COSTA THOMAS.

The bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 5, before the word "dollars," to strike out "thirty" and insert "forty;" so as to make the bill read:

*Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of \$40 a month, the name of Josephine Da Costa Thomas, widow of Evan Thomas, late of the Fourth Regiment of Artillery, United States Army.

Mr. COCKRELL. Let us know the reason for striking out "thirty" and inserting "forty" by having the report read.

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

The Chief Clerk read the following report, submitted by Mr. BLAIR May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas, have examined the same, and report:

That this case was considered by your committee and reported upon favorably (see Senate Report No. 729) at the present session. Since said report was made additional evidence has been laid before us which has induced us to ask that the bill be recommended to us for further action.

It appears that the claimant is an educated lady, a native of a foreign country, but left in this city poor and without means of earning money to support either herself or her small children. She has two children, both girls, under the age of sixteen, and of course helpless and dependent upon their mother for their maintenance and education. One of these children is also in delicate health, while the mother, by reason of her want of American associations, is in a comparatively helpless and friendless situation. General Grant, General Sherman, and other officers of the Army acquainted with the circumstances of the death of this brave officer, have manifested a deep interest in her case as one of unusual merit.

Your committee, after a careful consideration of all the facts of this case, report back this bill with a recommendation that it do pass, with the following amendment: Strike out the word "thirty," in the fifth line, and insert the word "forty" in lieu thereof.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MANHATTAN PICKETT.

The bill (H. R. 7165) to increase the pension of Manhattan Pickett was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, before the word "dollars," to strike out "thirty-six" and insert "fifty;" so as to make the bill read:

*Be it enacted, &c.,* That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Manhattan Pickett, late a sergeant of Company B, One hundred and twelfth Regiment New York Volunteers, to \$50 per month, in lieu of the pension now received by him.

Mr. COCKRELL. I desire to say simply for myself that I think the bill which has just been passed for Josephine Da Costa Thomas, increasing the allowance as made by the House from \$30 to \$40, and this proposal in the case of Manhattan Pickett to increase the pension from \$36 to \$50, are both extravagant. I think they are both unjust—unjust in the fact that they do injustice to many other equally worthy and deserving soldiers who can not get relief. I think the amount allowed in the House bills is large and liberal. I am opposed to the increase in these cases.

The amendment was agreed to.

Mr. BLAIR. I wish the reports in both cases to be printed. I care to make no other reply.

The PRESIDENT *pro tempore*. The report in this case will be printed in the RECORD. In the Thomas case the report was read.

The report submitted by Mr. BLAIR from the Committee on Pensions May 4, 1886, is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7165) to increase the pension of Manhattan Pickett, have examined the same, and report:

Your committee have carefully examined the facts in this case, the main points of which are briefly set forth in the following report of the Committee on Invalid Pensions of the House of Representatives (H. R. Report No. 1797):

"The soldier is now in receipt of a pension for gunshot wound, described as follows by J. L. Stewart, president board of examining surgeons:

"Gunshot wound of posterior surface of left leg, leaving an ulcerated discharging wound 3½ inches long over the lower part of the gastrocnemius muscle, the lower third of which muscle has been removed by inflammatory action and discharges, producing pain and weakness of the leg and ankle, and impairing his ability for manual labor, causing a disability equal to the loss of a hand or foot."

"Dr. Pickett has appeared personally before your committee, and having examined him carefully, they find the leg atrophied, with a large ulceration, which is evidently incurable.

"The leg requires bandaging to be constantly renewed, and is offensive to the smell. This has impaired his general health and reduced it to so low an ebb that an amputation of the leg, though very much to be desired, would now be exceedingly dangerous and probably fatal.

"Taking all things into consideration, your committee think that this pensioner would be better off had his leg been amputated."

In addition to the above, the following affidavit has been filed in support of the claim for increase, as follows:

CITY OF WASHINGTON, District of Columbia, ss:

Alexander M. Lowry, after being duly sworn, deposes and says that he was late adjutant of the One hundred and twelfth Regiment New York State Volunteers: that he was attached to said regiment from August, 1862, until about September, 1864; that he was well acquainted with Manhattan Pickett, late a sergeant of Company B, of said regiment, who is now an applicant for a pension by special act of Congress by bill H. R. No. 7165; that he has known him since August, 1862.

Affiant further states that said Pickett was wounded at Cold Harbor in the line of duty; that he was immediately afterward taken to the hospital, where he remained until discharged and sent home. Said Pickett has never recovered from the effects of said wound, but is now entirely disabled and rendered utterly helpless and unable to do anything to support himself or family in consequence thereof. This wound has never healed, but on the contrary has continually grown worse until at the present time it is in such an offensive condition that it is necessary to dress the same at least twice every day. The soldier is himself an eminent physician and surgeon, one of the best in Western Pennsylvania, and has therefore been able thus far to prescribe for his own case; were he required to employ medical assistance it would take a much larger amount of money to pay for the same than his present pension.

He now requires constant care, attendance, and treatment on account of the offensive and dangerous character of this wound and its discharges. Under its influence his health is rapidly declining, owing to the constant and severe drain upon his physical system; this is greatly enhanced by the continuous pain which he suffers on account of this wound, which has shattered his nervous system, and requires large quantities of opiates to be persistently administered in order to relieve the same, the effect of which has necessarily been very injurious. The said wound is several inches in length, from the knee down, and the flesh is gradually sloughing off, the result of which is of the most disagreeable character. He long ago would have submitted to amputation of the leg above the knee were it not for the fact that he has been assured by the best medical authorities in that section that such amputation would probably result in death. The claimant has therefore continued to drag out a miserable existence, which it is the belief of your affiant can not probably be continued but a short time, and which it is very probable may even be numbered by months.

Affiant further states that the claimant has a wife and one young child depending upon him for support; that he is entirely without property or means; that he is an eminent physician and would be capable, if physically able to attend to his profession, of securing a large and lucrative practice; that he has been surgeon of the Philadelphia and Erie Railway Company; but, not being able to attend to the duties of that position, must resign the same.

Affiant further states that the wife of said claimant has been his constant attendant and has given and is now giving a large portion of her time, strength, and energy to his care, and that but for her assistance he would be compelled to procure the constant aid and attendance of another person, which he is now unable to do by reason of poverty.

Affiant further states that he has no interest in the prosecution of the above claim.

ALEX. M. LOWRY.

Sworn and subscribed before me this 4th day of May, 1886.

[SEAL.]

R. B. NIXON, Notary Public.

Your committee think that the evidence shows a condition of this soldier which will fully warrant the pension of \$50 per month, as it would seem that he requires the aid and attendance of another, besides constant medical attendance. The bill is therefore reported back with a recommendation that it do pass, with the following amendment: Strike out the word "thirty-six" in the sixth line, and insert the word "fifty."

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ANN E. COONEY.

The bill (H. R. 4544) granting a pension to Ann E. Cooney was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 7, before the word "dollars," to strike out "twenty" and insert "twenty-five;" so as to make the bill read:

*Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Cooney, who served as a hospital nurse during the late rebellion, at the rate of \$25 per month.

The amendment was agreed to.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

H. P. M'FARLIN.

The bill (H. R. 3848) for the relief of H. P. McFarlin was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 4, after the words "directed to," to strike out "restore to" and insert "reinstated upon;" so as to make the bill read:

*Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to reinstate upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. P. McFarlin, late of Company I, Seventh Regiment Michigan Infantry.

Mr. COCKRELL. Let the report be read in that case.

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

The Chief Clerk read the following report, submitted by Mr. BLAIR May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3848) for the relief of H. P. McFarlin, have examined the same, and report:

Your committee have carefully examined the facts in this case, and concur in the findings of the Committee on Invalid Pensions of the House of Representatives, which we append hereto (House Report No. 748), and report back the bill with a favorable recommendation, with the following amendment: Strike out the words "restore to," in the fourth line, and insert the words "reinstated upon."

The claimant in this case, Hewitt P. McFarlin, was a sergeant in Company I, Seventh Regiment Michigan Infantry, and was pensioned on the 11th day of May, 1871, at the rate of \$6 per month, commencing January 5, 1863, for injury to leg received in the service and in line of duty. Some charge having been made against the claimant's right to a pension, stating that he had varicose veins before entering the service, and that his present disability comes from that cause and not from any injury received in the service, a special examination was ordered, which resulted in his being dropped from the rolls in May, 1878. Thereupon he made application to be restored, and the case underwent a thorough examination by a special agent, with a view of determining whether the present disability was attributable to varicose veins or the result of an injury received in the service. The special examiner examined twenty witnesses upon these points, and continued the investigation for more than two weeks, which resulted in a recommendation on the part of the special examiner that the claimant be restored to the rolls. The Pension Office rejected the claim for restoration.

The report of the special examiner covers all the points in controversy, and closes as follows:

"I deemed it necessary that the claimant be examined by a board of examining surgeons to determine definitely whether he is suffering or has suffered from any injury of left leg other than varicose veins. I accordingly took him before the examining surgeons of this city (Kalamazoo). That the claimant did have varicose veins upon his left leg at the time and prior to his enlistment there can be not a particle of doubt; but I do not believe from the testimony adduced that he was disabled by reason of them. I am of the opinion that an injustice has been done the claimant in dropping him from the rolls—not that he is entitled to a pension by reason of varicose veins, but by reason of the injury of the knee and bone of his left leg. I also believe that that injury greatly aggravated the varicose veins. I therefore recommend that he be restored to the rolls by reason of injury of left leg."

The board of surgeons, after describing the condition of the injured leg, say: "The whole length of the left tibia is thickened, and a portion of the bone was removed while in hospital. The leg is badly injured, independent of the varicose veins, and the injury has caused and greatly aggravated the varicose veins, in our opinion. From the condition which we now find, it is our judgment that he is disabled by the same causes for which he was originally pensioned, and that his disability has not been aggravated or prolonged by vicious habits. He is, in our opinion, entitled to restoration, and we recommend a three-fourths rating for injury of leg, independent of varicose veins."

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BLAIR. In connection with the case just passed, I call the attention of the Senator from Missouri to the fact that on that evidence the Pension Office refused to restore that man to the roll, and it is necessary to come to Congress to get relief.

Mr. COCKRELL. The Senator from New Hampshire refers to the case of McFarlin. That pensioner, it is true, was ordered to be dropped in 1878. Very soon afterward he was ordered before an examining board, and the special examiners made recommendations in regard to him, and he was then examined before a board of examining surgeons in Kalamazoo. He was dropped because it was not believed that he was entitled to a pension for varicose veins, and the examining surgeons and the special examiner found that he was not entitled to it upon that ground, but that he was entitled to a pension upon a different ground.

Mr. BLAIR. The report shows—

Mr. COCKRELL. And accordingly they reported as they did.

Mr. BLAIR. I merely call attention to the report. The facts are stated there somewhat more fully than the Senator has stated them.

WILLIAM C. WAIT.

The bill (S. 1078) granting a pension to William C. Wirt, was considered as in Committee of the Whole.

The Committee on Pensions reported to amend the bill, in line 5, to change the name "Wirt" to "Wait;" after the word "Company," at the end of the same line, to insert "C;" and in line 6, before "Vermont," to insert "Fifth;" so as to make the bill read:

*Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of William C. Wait, late a private in Company C of the Fifth Vermont Volunteers, at the rate of \$8 per month.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting a pension to William C. Wait."

THOMAS BENSON.

The bill (S. 2336) granting an increase of pension to Thomas Benson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Benson, late a private in Company A, Thirty-second Regiment Maine Volunteers, at the rate of \$35 per month, in lieu of the amount he is now receiving.

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

MARY M. GALLEYAN.

The bill (H. R. 3941) granting a pension to Mary M. Galleyan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary M. Galleyan, widow of Joseph S. Galleyan, late of Company G, Fifty-ninth Indiana Volunteers.

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

FRED J. LEESE.

The bill (H. R. 3624) granting a pension to Fred J. Leese was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Fred J. Leese, late of Company M, One hundred and ninety-eighth Regiment Pennsylvania Volunteers.

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

COL. JAMES H. BLOOD.

The bill (S. 2263) granting a pension to Col. James H. Blood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Col. James H. Blood, late colonel of the Sixth Regiment Missouri Infantry, at \$70 per month, in lieu of the pension now received.

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

CATHARINE LANIGAN.

The bill (S. 2349) granting a pension to Catharine Lanigan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Lanigan, mother of John Lanigan, late of Company K, Twenty-third Illinois Volunteers, in the late war, at the rate of \$50 per month, in lieu of the pension she is now receiving.

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

MARTIN JACOBY.

The bill (H. R. 4699) granting a pension to Martin Jacoby was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martin Jacoby, of Lancaster County, Penn-



sylvania, for the loss of his two sons, David Jacoby, of Company C, Seventeenth Regiment Pennsylvania Cavalry, and Martin Jacoby, jr., of the Seventy-ninth Regiment Pennsylvania Volunteers.

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

EVALINE A. WHITE.

The bill (H. R. 1560) for the relief of Evaline A. White was considered as in Committee of the Whole. It proposes to place the name of Evaline A. White, widow of George C. White, deceased, late a second-class fireman in the United States Navy, on the pension-roll.

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

ELIJAH P. HENSLEY.

The bill (H. R. 1707) granting a pension to Elijah P. Hensley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elijah P. Hensley, late of Company K, Third Regiment North Carolina Mounted Infantry.

Mr. COCKRELL. Let the report be read in that case.

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

The Chief Clerk read the following report, submitted by Mr. BLAIR May 5, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1707) granting a pension to Elijah P. Hensley, have examined the same, and report:

Your committee have carefully considered the facts in this case, and adopt the report hereto annexed of the Committee on Invalid Pensions of the House of Representatives (House Report No. 890), and recommend the passage of the bill.

The claimant was admitted to a pension of \$4 per month on the rolls of the Raleigh, N. C., agency, December 17, 1868, commencing August 8, 1865, and paid to include March 3, 1877; was dropped from the roll August 3, 1877, on the ground that the pensioner was not in the service and line of duty when wounded, as shown by the report of Special Agent Ragsdale, dated May 31, 1877.

Claimant was a member of Company K, Third North Carolina Mounted Volunteers, having enlisted in said company in February, 1865, and was wounded at Indian Creek, Yancey County, North Carolina, March, 1865, having been cut off from his command in Tennessee, on House Creek, near Greeneville, Tenn. At the time claimant was wounded he was detailed by Colonel Kirk to join T. O. and J. W. Guthrie and others to get rations for themselves; that they returned within one hour and a half, but found that the command had left. The claimant with others then started for a point of safety in North Carolina, and to join their command, when overtaken and shot by the enemy, and wounded as alleged.

It appears that some time in 1877, owing to causes not material to this report, information was furnished the Pension Office that said claimant was not wounded in the line of duty. On this point there is a conflict of testimony on the time of claimant reaching his command, but none as to his being shot by rebels while in search of provisions for his command as he was detailed to do.

Your committee are of the opinion that claimant is entitled to a pension, and therefore recommend the passage of the bill.

Mr. COCKRELL. I call the attention of the Senate to this case. Here was a pensioner who was dropped from the rolls in 1877, nine years ago. There is nothing in the record here to show that he ever applied to the Pension Office for restoration to the roll. As I understand, the Pension Office when they drop a pensioner from the roll will at any time consider proper and legitimate testimony which shows that the office was in error in dropping him from the roll, and will restore him to the roll. I notice in the report of the Commissioner of Pensions a number of cases that are dropped, restored, and reconsidered and all that. Ought not this claimant to have applied to the Pension Office during the last nine years for restoration? Or is this one of a class of cases where if he had applied, under the technical rules of the office the office could not have restored him?

Mr. BLAIR. There is no evidence that he has not applied, nor is there any reason to say that he should have applied unless he might be in the possession of new evidence calculated to establish his pension. He once had established his pension and had drawn it from the office for a considerable time. It seems that upon some information the nature of which is not developed, perhaps from some personal enemy or some busybody—and there are a great many such—who from general principles of malevolence may have given information anonymously, he was dropped from the roll, as was then the custom of the office very largely, without evidence, without reason, and in the perpetuation of the rankest injustice without investigation. He was dropped. This man, if I recollect aright, is a colored man, and Mr. O'HARA, of the House, is familiar with the circumstances of the case. I am confident that is the case he spoke to me about. Upon the evidence as it was upon the files as brought to us, and from other sources, it appeared proper that he should be restored to the roll.

I am not able to answer the Senator's question as to whether he made application and filed evidence to prove that he ought to have been restored by a tribunal that had once dropped him without proper investigation. There seems to be no reason why he should not be restored to the roll.

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

NOAH HOFFMAN.

The bill (H. R. 5328) granting a pension to Noah Hoffman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Noah Hoffman, late a corporal of Company C, Ninetieth Regiment New York Infantry Volunteers.

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

NAVY OR MARINE CORPS PENSIONS.

Mr. COCKRELL. My attention has been called to Senate bill 1526, Order of Business 588. I am not sure but that it may have been passed over. Let it be read and the Senate will understand what it is.

The PRESIDENT *pro tempore*. The title of the bill will be stated. The CHIEF CLERK. A bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps.

Mr. COCKRELL. I am not sure, but I think that when that was called I asked some explanation of it, and it was passed over at the time. I have looked at the report in that case, and I simply ask that the bill be now considered, if there be no objection.

Mr. SAWYER. There is no objection; it is a just bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 4756 and section 4757 of the Revised Statutes of the United States by inserting the words "or as an appointed petty officer, or both," after the words "as an enlisted person" in the former section, and after the words "as an enlisted man" in the latter section.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. Let the report be read. It is very short and it gives the reasons for the bill.

The Secretary read the following report, submitted by Mr. SAWYER April 13, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps, have examined the same, and report:

Section 4756 provides for the payment of a pension out of the naval pension fund to persons who "served as an enlisted person in the Navy or Marine Corps," &c., and section 4757 provides for aid from that fund to "every disabled person who has served in the Navy or Marine Corps as an enlisted man," &c. This bill is designed to cover the cases of those who actually rendered the same service as appointed petty officers, although not actually enlisted.

Your committee are in receipt of the following letter from the Navy Department in regard to this bill, recommending it to the favorable consideration of Congress:

NAVY DEPARTMENT, Washington, April 6, 1886.

SIR: I have the honor to invite your attention to Senate bill No. 1526, and to recommend it to the favorable consideration of the Committee on Pensions of the United States Senate.

Under existing laws enlisted persons performing certain duties are entitled to service pensions when they become disabled, while persons performing the same duties under appointments are deprived the benefits of such service.

This bill has my heartiest commendation, as it will not only afford justice to a large class of very deserving persons, but will have the tendency to induce men of experience to remain in the service, which will be of great advantage, particularly in view of the contemplated increase in the number and efficiency of vessels of war.

I would earnestly invite the early consideration of the bill.

Very respectfully, your obedient servant,

W. C. WHITNEY,  
Secretary of the Navy.

Hon. J. I. MITCHELL,  
Chairman of Committee on Pensions, United States Senate.

The following letter also shows the necessity for this action, and the inequalities of the present law:

UNITED STATES NAVAL HOSPITAL, Norfolk, Va., April 1, 1886.

SIR: Senate bill 1526, referred to the Committee on Pensions, is one in which I with other unfortunates take a very keen interest. Should its provisions become law a long-delayed justice would be done the "appointed petty officers" in the Navy apothecaries and pay yeomen, who, owing to the vacillating policy of the Navy Department in changing their status at frequent intervals, are entirely debarred from all benefits for long service.

I have served as an apothecary in the Navy a great many years, before, during, and since the late war, and yet have no claim now that I have grown old. There are many others similarly situated and to whom the passage of the above bill, 1526, would afford relief.

For myself and others, I most respectfully ask your favorable consideration and support when the bill is before you for action.

I have the honor to be, most respectfully, your obedient servant,

R. S. BARRY,  
Apothecary, United States Navy.

The amendment proposed in this bill will cover but a comparatively small number of cases, but it will save your committee the trouble of considering special bills in their behalf, and as it seems to be in the line of previous legislation, as well as but an act of simple justice to old servants of the Government, we report back the bill with a recommendation that it do pass.

The bill was ordered to be engrossed for a third reading.

Mr. COCKRELL. As additional information I ask that a letter from the Bureau of Equipment and Recruiting in the Navy Department, which I send to the desk may be read. It gives the exact number, and this bill has to go to the House.

The Secretary read as follows:

NAVY DEPARTMENT,  
BUREAU OF EQUIPMENT AND RECRUITING,  
Washington, April 23, 1886.

SIR: In reply to your letter of the 27th instant, requesting information as to the number of men that would be benefited by House bill No. 4702, the Bureau respectfully states that at present there are one hundred and twenty-seven appointed men in the service out of eight thousand two hundred and fifty, the authorized quota. This percentage will not materially increase or decrease, unless the number of men allowed the Navy is changed by act of Congress.

Very respectfully,

W. S. SCHLEY,  
Chief of Bureau.

Mr. DAVID S. BARRY, Washington, D. C.

Mr. CONGER. Objections were made to this bill because it was not known how many it would affect, and the letter from the chief of the bureau shows the number.

The bill was read the third time, and passed.

Mr. BLAIR. The letter gives the whole number of appointed men. Of course those who will be beneficiaries under the act will never be anything like that number.

LOUISE ARMBRECHT.

The bill (S. 1201) granting a pension to Louise Armbricht was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in lines 6 and 7, to strike out the name "Armbricht" and insert "Armbricht;" so as to make the bill read:

*Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louise Armbricht, the widow of Augustus L. Armbricht, late a sergeant in the Army of the United States.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting a pension to Louise Armbricht."

CAROLINE SEES.

The bill (S. 1207) granting a pension to Caroline Sees was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, after the word "Sees," in line 6, to strike out the words:

Who was chief of transportation and telegraphy on the staff of Major-General D. N. Couch, commanding the Department of the Susquehanna during the invasion of Pennsylvania by the confederate army, in the month of June, A. D. 1863.

And after the word "volunteers," in line 11, strike out:

To date from the 30th of September, 1863, the day of his death.

So as to make the bill read:

*Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Caroline Sees, of Harrisburg, Pa., widow of Maj. Oliver W. Sees, at the rate allowed to a widow of a major of volunteers.

The amendments were agreed to.

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

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

MRS. SALLIE ANCRUM.

The bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sallie Ancrum, widow of Aaron Ancrum, late of Company G, Thirty-fourth Regiment United States Infantry.

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

LEMUEL ADAMS.

The bill (H. R. 7468) granting a pension to Lemuel Adams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lemuel Adams, a private in Captain John Tremble's company, Major Russell's battalion, war of 1812.

Mr. COCKRELL. Let the report be read.

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

The Secretary read the following report, submitted by Mr. SAWYER May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 7468) granting a pension to Lemuel Adams, have examined the same, and report that after examination they have adopted the report of the Committee on Invalid Pensions, House of Representatives, hereto annexed, and recommend the passage of the bill.

Lemuel Adams was born in the year 1797, and in the year 1814 was a resident of the State of Tennessee. On or about the 1st of January, 1815, said Lemuel Adams entered the military service of the United States as a substitute for Alexander Hanner, in Capt. John Tremble's company, Major Russell's battalion, and served in said company until some time in March, 1815. His name, it seems, does not appear on the rolls of said company, for the reason that he served only a portion of the time of Alexander Hanner, Hanner's name only being carried on the list and receiving the discharge. As the applicant is aged, infirm, poor, and helpless, and rendered military service for his country, although in the form of a substitute, yet he should receive a pension for the few remaining years he may survive.

They therefore recommend the passage of the bill herewith submitted in lieu of 4752, offered with his memorial to the Forty-seventh Congress.

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

JOHN TAYLOR.

The bill (H. R. 3326) for the relief of John Taylor was considered as in Committee of the Whole. It proposes to increase the pension of John Taylor, formerly a member of Battery M, Third Regiment New York Light Artillery Volunteers, from \$12 to \$16 per month.

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

WILLIAM M. SWARTZ.

The bill (H. R. 6725) granting a pension to William M. Swartz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William M. Swartz, late of Company F, Forty-sixth Regiment Ohio Infantry Volunteers.

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

SANFORD C. WILLHOITE.

The bill (H. R. 3972) granting a pension to Sanford C. Willhoite was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sanford C. Willhoite, late a private in Company E, Thirtieth Regiment of Kentucky Volunteers.

Mr. COCKRELL. Let the report be read in that case.

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

The Secretary read the following report, submitted by Mr. SAWYER May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3972) granting a pension to Sanford C. Willhoite, have examined the same, and report that after examination they have adopted the report of the Committee on Invalid Pensions of the House of Representatives, hereto annexed, and recommend the passage of the bill.

Sanford C. Willhoite enlisted as sergeant in Company E, Thirtieth Regiment Kentucky Mounted Volunteers, on the 12th day of December, 1863; discharged therefrom April 18, 1865.

Filed claim for pension December 4, 1874, based on rheumatism and injury to right eye contracted in service in line of duty. Claim was rejected August 25, 1882, on the ground of no disability from rheumatism and no record, and claimant unable to furnish competent testimony showing existence of disease of eye in service or at discharge.

It is fully shown by testimony that claimant was sound and free from disease at enlistment. The proof is strong and amply sufficient that claimant contracted rheumatism while in the service in line of duty at Frankfort, Ky., in March 1864. The case was submitted by Special Examiner Bond, July 31, 1882, for admission for disability for rheumatism, and on this point the claim was rejected on certificate of examining surgeon, who certified that disability for rheumatism did not exist in a pensionable degree. On the question of injury to eye it is shown by several of claimant's comrades, certified by examiner to be of good moral character, and whose presence at time of alleged incurrence of injury to right eye is verified by report of the Adjutant-General, that they were present with claimant in battle at Saltville, Va., October 3, 1864, and that they each saw claimant receive a severe injury to his right eye from the discharge of a gun in the hands of one of his comrades, who was standing immediately in his rear and shooting over his shoulder at the enemy.

That the regimental surgeon who treated him for said injury is now dead; that the assistant regimental surgeon was not present at the time and did not treat him; that his captain was not present, having a short time previous received a severe wound, on account of which he had been carried to the rear; that the second lieutenant of his company was at the time absent on detached duty; that the first lieutenant, who was present and in command, is now dead; that he was not treated in hospital because of the fact that his regiment was forced to retreat, and that claimant was forced to retreat with his command or fall into the hands of the enemy. The injury to his eye continued till his discharge, but not in a sufficient degree to entirely disable him after his first partial recovery; subsequent to his discharge it is shown by abundant reliable medical and lay testimony to have increased and now exists in a pensionable degree, both eyes being affected as a result of the said injury in battle. Claimant's habits are shown to be good. Dr. C. A. Cox, the assistant surgeon of his regiment, under date November 23, 1864, issued medical certificate of disability to claimant on account of rheumatism.

Your committee are of the opinion that claimant's right to pension is as clearly established as it is possible to establish a claim by lay testimony. They therefore recommend the passage of the bill.

Mr. COCKRELL. This claimant filed his application in 1874, and it was rejected on the 25th of August, 1882, four years ago nearly. It does not seem that there has been any effort made to have the case reopened and reconsidered in the Pension Office.

As I understand the rules of the Department, any applicant can file an application for a reconsideration of his case and can present additional testimony, and if the testimony which is here recited in this report is competent under the law to establish the disability, it does seem to me that this is a case which the Pension Office would now favorably consider. It may be, however—the report does not specify particularly—that the technical evidence of the surgeon of the regiment and the commissioned officers of the company may not be obtainable, as the report says some of them are dead. As a matter of course, when a regiment is on retreat it very often happens that a wounded soldier will not lag back and be captured by the enemy, and as this man was retreating with his command there would be no hospital treatment and the officers who could show that may be dead; but it seems to me this is a case that the Pension Office would allow if the testimony here referred to is not only competent under the law but establishes the facts required.

Mr. BLAIR. There is a general misapprehension as to what evidence is competent to be considered by the Commissioner of Pensions. There are absolutely no limitations, excepting such as grow up under the acute, metaphysical, and technical constructions of the various Commissioners in their administration from time to time in connection with the rulings of the Secretary of the Interior, which during these years have come to constitute as intricate and complicated chancery practice as exists on the face of the earth, without any reason in the world why it should be so, except that it has grown up. There is no evidence that would be admissible in a common law court that might not well be entertained there. But these rigid rules have from time to time been relaxed by successive Commissioners; and I think the tendency is to greater liberality as years pass on.

I think the present Commissioner has made several rulings that are

very favorable to the prosecution of claims; and yet it is the fact that still it very often comes to be the case that evidence which the Senator himself or anybody would say bears on the case and has weight, tends to convince men in their own important affairs, is excluded, and oftentimes claims are therefore rejected when in courts of law even, as I think from an investigation of a great many of them, the verdicts of juries and the judgments of the courts would have been favorable to the applicant.

In this case the man prosecuted his claim from 1874 to 1882 and it was rejected. He has gone through all the forms that are necessary or that are held in any case to be proper in order to give him a standing in an application for special relief to Congress.

I do not know whether this additional testimony—for I was not observing—is such as would have been considered under their rules in the Pension Office or not; but certainly there was no reason why the man should have gone there after his eight years' effort in that office for relief. He had not very good success there.

Mr. COCKRELL. Unless he obtains additional evidence.

Mr. BLAIR. Even with additional evidence. If he had done so and should have been able to maintain his claim he would have been entitled to arrears, because the application was made in 1874. But he did not do it, and a great many cases come to us where I have no doubt if they were tried by juries the claimants would maintain their cause and get their arrears; but they have given it up. Six or eight or ten years' experience in such a place satisfies a man to go somewhere else if possible. The facts are sufficient to convince the Senate.

Mr. COCKRELL. As I understand, the requirements are that there shall be the evidence of the surgeon of the regiment or of two commissioned officers or of two of the comrades of the company or regiment in the service. Those requirements are only regulations of the Department, and not statutory enactments.

Mr. BLAIR. There are only regulations; there are no statutory rules of evidence. Of course that, in the nature of things, it is proper to require in the first instance.

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

MARGARET E. COCHRAN.

The bill (H. R. 908) granting a pension to Margaret E. Cochran was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret E. Cochran, widow of Thomas B. Cochran, late lieutenant-colonel of the Second Kentucky Volunteers.

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

ELIZABETH WARNER.

The bill (H. R. 5729) granting a pension to Elizabeth Warner was considered as in Committee of the Whole. It proposes to place the name of Elizabeth Warner, widow of Harrison Warner, late a corporal of Company G, One hundred and eighty-second Regiment Ohio Volunteers, on the pension-roll.

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

CARTER W. TILLER.

The bill (H. R. 4002) granting a pension to Carter W. Tiller was considered as in Committee of the Whole. It proposes to place the name of Carter W. Tiller, dependent father of G. W. Tiller, late a private in Company A, Twenty-eighth Kentucky Volunteer Infantry, on the pension-roll.

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

MRS. BRIDGET SMITH.

The bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick J. Smith, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Bridget Smith, mother of Patrick J. Smith, deceased, late of Company H, Tenth Minnesota Volunteers.

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

PARMELIA SMITH.

The bill (H. R. 6092) granting a pension to Parmelia Smith was considered as in Committee of the Whole. It proposes to place the name of Parmelia Smith, the invalid daughter of the late Joseph R. Smith, a brevet brigadier-general in the United States Army, on the pension-roll, at the rate of \$20 per month.

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

ROBERT C. M'KEE.

The bill (H. R. 525) to restore Robert C. McKee to the pension-roll was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Robert C. McKee, late a private in Company G, Twentieth Regiment of Indiana Volunteers.

Mr. COCKRELL. Let the report be read in that case.

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

The Secretary read the following report, submitted by Mr. SAWYER May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 525) granting a pension to Robert C. McKee, have examined the same, and report that they have adopted the report of the Committee on Invalid Pensions of the House of Representatives, hereto annexed, and recommend the passage of the bill.

This committee of the Forty-eighth Congress having reported a bill favorably for the relief of this claimant, the same passed the House, but failed of consideration in the Senate. Therefore your committee adopt the printed report of this committee of the Forty-eighth Congress, as follows:

"That Robert C. McKee enlisted in the military service of the United States as a private in Company C, Twentieth Regiment Indiana Volunteers, July 6, 1861, and was discharged on surgeon's certificate of disability January 14, 1864, for total loss of vision of left eye and partial loss of the right; also disability of left arm from a fracture producing partial ankylosis of the elbow-joint, existing before enlistment.

"December 1, 1866, he was pensioned at the rate of \$3 per month for loss of sight of left eye and partial loss of right, which was increased to \$8 per month July 23, 1870.

"June, 1880, claimant was dropped from the pension-roll, by order of the Secretary of the Interior, on the charge that the disability for which the soldier was pensioned existed prior to and at the time of his enlistment in the military service of the United States.

The evidence taken by a special examiner of the Pension Office in support of this charge was *ex parte*, the claimant having no notice of the taking of such testimony, as is shown by the examiner's report to the honorable Commissioner of Pensions.

"November 20, 1880, the claimant was indicted by a grand jury of the United States court at Indianapolis, under section 5433, Revised Statutes, for presenting false vouchers, &c., and on May 21, 1881, was tried by a jury of said court, and a verdict of 'not guilty' rendered.

"Hon. Charles L. Halstein, United States attorney at Indianapolis, in a letter to Attorney-General MacVeagh, says of the trial in this case: 'The evidence was very conflicting, and on the evidence the verdict can not be complained of.'

"General J. J. Reynolds, a distinguished citizen of Indiana and a resident of La Fayette, Ind., during and since the war, in a statement before this committee, May 26, 1884, in support of the restoration of this soldier to the pension-roll, says that he mustered the Twentieth Regiment Indiana Volunteers into the United States service, and that from seeing the condition of this soldier at the time of his trial in the district court at Indianapolis, he is satisfied he would not have mustered a man in such a condition into the military service, and expressed the emphatic opinion that the disability of this soldier could not have existed at the time of his enlistment and muster into the service.

"From an examination of all the evidence in this case, and the statement of General Reynolds to your committee, we are of opinion that a clear preponderance of the evidence is in favor of the restoration of this soldier to the pension-roll, and therefore report the accompanying bill to the House and recommend its passage."

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

NEWTON DAY.

The bill (H. R. 448) granting a pension to Newton Day was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Newton Day, late a private in Company B of the One hundred and fortieth Regiment Indiana Volunteer Infantry.

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

GEORGE W. STOUT.

The bill (H. R. 1841) granting a pension to George W. Stout was considered as in Committee of the Whole. It proposes to place the name of George W. Stout, late a private in Company K, Seventieth Ohio Volunteers, on the pension-roll.

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

ELIZABETH LUCE.

The bill (H. R. 5997) granting a pension to Elizabeth Luce was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Luce, widow of John W. Luce, late a private in Company E of the First Ohio Light Artillery.

Mr. COCKRELL. Let the report be read in that case.

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

The Chief Clerk read the following report, submitted by Mr. SAWYER May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5997) granting a pension to Elizabeth Luce, have examined the same, and report that they have adopted the report of the Committee on Invalid Pensions of the House of Representatives, hereto annexed, and recommend the passage of the bill.

That Elizabeth Luce is the widow of John W. Luce, deceased, late a private of Company E, First Ohio Light Artillery, who died at Grand Junction, Iowa, November 17, 1883. Cause of death as reported by Dr. J. D. Kirby, the attending physician, "gastritis, chronic; relapse, complications; general debility, kidney difficulty."

At the time of his death said John W. Luce had on file an undetermined application for pension for an alleged stricture of the urethra, caused by being thrown upon the pommel of his saddle about August 16, 1863, while in the service. The widow continued to prosecute the claim, which was finally rejected January 7, 1885, on the ground that "alleged stricture of the urethra was not due to soldier's military service." The papers in this case from the Pension Office, which are very voluminous, have been very carefully examined, and the only ground for the conclusion arrived at by the Pension Office is to be found in the following statement made by the surgeon in soldier's certificate of discharge, namely:

"Organic stricture of the urethra, which, from his statement, existed at the time of enrollment."

Luce explains in a letter that he made this statement at the time to prevent his transfer to the invalid corps. They had administered chloroform, and he was still upon the operating table. That he was free from the disability before and at time of his enlistment is proven by many affidavits of neighbors and friends, among which James Brown, of Berea, Ohio, testifies that he became acquainted with claimant in 1857, who then worked for his brother, John Brown,

manufacturing grindstones, and he worked with him nearly all the time for three years prior to his enlistment, and knew him to be a sound, able-bodied man, commanding the best wages for his labor.

Dr. A. S. Allen, of Berea, Ohio, testifies that he attended claimant's family, and met him often while he was engaged in work about the quarries prior to his enlistment, and he has no knowledge of his ever being sick or in any way disabled during that time; he believes he should have known if he had been unwell. After his discharge, in 1864, he (Luca) applied to him for aid for some urinary trouble, he thinks inability to pass urine, and he was troubled thereby until he moved away in 1866.

Andrew Berwick, lieutenant of Company E, First Ohio Light Artillery, testifies that when claimant entered the service he was a sound, healthy man, and so continued until August 15, 1863, when at Battle Creek, Tenn., he was injured in his urinary organs by the ring on the pommel of his saddle while he was driving one of the teams attached to a gun of his battery. This is further proven by affidavits of comrades; and the continuance of disability to date of death is proven by abundant and credible testimony.

Dr. G. Low testified April 22, 1867, that he examined claimant and found him suffering from enlarged prostate gland and stricture, irremediable, except through surgical operation, which would endanger his life, and would not be advisable except as a last resort.

While the diagnosis of death-cause by the physician who attended him in his last illness does not name stricture of urethra as the cause of death, yet it is a reasonable presumption that it contributed largely to produce the general debility, kidney, and other troubles which did culminate in death.

Your committee are of the opinion that the soldier's death is clearly traceable to the disability received in the service, and believe his widow should be pensioned; therefore recommend the passage of the bill.

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

WILLIAM ANTES.

The bill (H. R. 5329) granting a pension to William Antes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Antes, late of Company C, First Regiment United States Artillery.

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

CHARLOTTE ALGIER.

The bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Charlotte Algier, widow of Samuel Algier, late a private in Company G, Thirty-first Regiment Pennsylvania Volunteers.

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

MRS. MARY HASTINGS.

The bill (H. R. 3198) granting a pension to Mrs. Mary Hastings was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary Hastings, widow of Robert Hastings, late a private in Mike Galbreath's company of scouts and guides, who was wounded in 1863, and died from the wound in 1866.

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

JOHN H. SNYDER.

The bill (H. R. 2803) granting a pension to John H. Snyder was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Snyder, late a private in Company C, One hundred and sixth New York Infantry Volunteers.

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

JANE W. DEVEREUX.

The bill (H. R. 1100) granting a pension to Jane W. Devereux was considered as in Committee of the Whole. It proposes to place the name of Jane W. Devereux, mother of George W. Devereux, late of the Tenth Massachusetts Battery, on the pension-roll.

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

FRANCIS M. MOORE.

The bill (H. R. 6389) granting a pension to Francis M. Moore was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Francis M. Moore, late a private in Company F, Nineteenth Regiment Kentucky Volunteers.

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

ANN LITTLE.

The bill (H. R. 4539) granting a pension to Ann Little was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Little, widow of John Little, late a private in Company A, Eleventh Regiment Massachusetts Volunteers.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 4539) granting a pension to Ann Little, have examined the same, and report:

The facts in this case have been fully stated in the accompanying report of the House Committee on Invalid Pensions (House Report No. 774), which we adopt, and recommend the bill do pass.

Ann Little is the widow of John Little, who was a private in Company A, Eleventh Regiment Massachusetts Infantry, who was pensioned by certificate No. 12210 for gunshot wound received in action. His death occurred March 16, 1874—cause given, softening of brain, epilepsy. She filed a claim for widow's

pension July 13, 1874, which was rejected January 9, 1877, "on the ground that disease of which soldier died was not the result of his military service."

The evidence shows that he entered the service a sound and healthy man, that he received a severe wound of thigh at the battle of Fair Oaks, Va., for which he was discharged and pensioned.

George Alexander and Anna Alexander, neighbors, testify that they knew soldier for twelve years or more during his lifetime; knew him when he returned from the Army, and were familiar with his physical condition from his arrival home to the date of his death; knew he was disabled by disease contracted in the service; that he never was a well man from the time of his discharge up to the time of his death. He was unable to perform any manual labor either for the support of himself or of his wife and family. His wife was the main support of the family, excepting what was received from his pension; that their means of knowledge was derived from an intimate acquaintance as neighbors and while occupying the same house with the Littles.

Moses W. Wild, M. D., testifies he is a member of Massachusetts Medical Society and the Suffolk District Society for thirty years; that John Little died from the effect of injuries received in the war; soldier had been known by him for thirteen years, he in this time making him friendly visits, looking after his family, seeing that they and he did not suffer. That soldier went to the war a strong, healthy man, where he received a severe gunshot wound of right thigh about 1 inch from the middle of his groin, near the femoral artery and nerve, the ball passing directly through the thigh. From this time up to the day of his death his right leg caused him much trouble, making it impossible to do hard work, such as a laboring man is required to do to support a family. The last three years of his life he suffered from paralysis of his right side, and the last year softening of the brain made its appearance; from time to time he would fall down insensible, and in one of these fits he died before a doctor could be called in.

Your committee are of opinion from the evidence that the gunshot wound of the right groin was the cause of the paralysis of right side which eventually developed into and culminated in softening of the brain and final insensible fits which ended in death of soldier. The widow is old and poor, has had a hard struggle to keep her family together, is now nearly blind, and has at best but a few more years to live. They therefore recommend the passage of the accompanying bill.

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

ROSINA HEINEMAN.

The bill (H. R. 1651) for the relief of Rosina Heineman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rosina Heineman, dependent mother of William Heineman, formerly a member of Company E, Second Regiment New York State Mounted Rifle Volunteers.

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

ISAAC CARLETON.

The bill (H. R. 1889) granting a pension to Isaac Carleton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac Carleton, late of Company E, Fifteenth Regiment Ohio National Guards.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1889) granting a pension to Isaac Carleton, have examined the same, and report:

Your committee have carefully examined all the facts in this case, and concur in the findings of the report of the House committee, made during the present session (House Report No. 1098), and report back the bill with a recommendation that it do pass.

The claimant enlisted in Company E, Fifteenth Regiment Ohio National Guards, May 2, 1863, and was discharged September 3, 1863. Claimant, while a member of Company E, Fifteenth Ohio National Guards, and while in line of duty near Pomeroy, Ohio, in July, 1863, while pursuing General Morgan, was wounded by a buckshot under the left shoulder, and was taken prisoner, and from said wound claimant has never recovered. The proof shows prior to his entry into the service he was a man of good, sound physical health, being, when enlisted, a farmer.

Claimant filed his application for pension December 20, 1879, and the same was rejected June 15, 1883, because claimant was not in the United States service when said wound was received, but in the State militia, and not entitled to pension unless claim had been prosecuted to completion prior to July 4, 1874.

W. H. Mills testifies that he was a private in Company E, Fifteenth Ohio National Guards, and about the 18th of July, 1863, near Pomeroy, Ohio, the claimant, while pursuing General Morgan's command, was wounded by a buckshot under the left shoulder, he being a prisoner at the time. Affiant says he was also a prisoner in the hands of Morgan's men.

James H. Hyssel, examining surgeon, certifies that he has carefully examined Isaac Carleton, claimant, as late as March 1, 1882, for alleged disability resulting from a buckshot wound under left shoulder, and in his opinion claimant was one-half incapacitated for obtaining his subsistence by manual labor from causes above stated.

This claimant has received a gunshot wound of the chest. Missile entered on lateral aspect of the chest, about 3 inches below lower margin of the scapula, passing forward through the chest, and having its exit about 1 inch to the left and a little above left nipple, fracturing the fourth rib in its passage. There is an exostosis at point of fracture of rib about one-half as large as an English walnut. There is dullness on percussion over lateral and superior portions of left lung. The evidence clearly shows that claimant was in the line of duty, and did well and faithfully discharge his duty as a soldier for his country and his country's flag, as much so as if he had been regularly mustered into the United States service, and in so doing he incurred a disability for life.

While the general pension laws debar the Pension Office from favorable consideration of the claim, yet your committee are fully of the opinion that Congress should grant relief to the claimant, who is now disabled from his wounds, as above stated.

As Congress has invariably afforded relief in cases of this character, your committee recommend the passage of the bill.

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

ANDREW T. McREYNOLDS.

The bill (S. 2217) for the relief of Andrew T. McReynolds was considered as in Committee of the Whole. The preamble recites that Andrew T. McReynolds served as captain of Company K, Third Dragoons,

United States Army, in Mexico, during the war with that republic, and while acting in squadron with Captain (the late General) Phil. Kearny, the usual escort to the general-in-chief, was, on the 20th of August, 1847, disabled by a grapeshot wound, in a charge at the gates of Mexico, by reason whereof he was placed on the pension-roll at the rate of \$25 per month, which pension he continued to receive until the 15th of June, 1861, when he was mustered into the volunteer service as colonel of the First New York (Lincoln) Cavalry (the first volunteer cavalry regiment organized for the late civil war), and served as such until the 22d of August, 1864, when he received an honorable discharge, during all of which time his pension was withheld from him, amounting in all to \$950, no part of which sum has since been received by him.

The bill directs the Commissioner of Pensions to pay to McReynolds \$950, taking his receipt therefor in full discharge of the claim.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 6, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2217) for the relief of Andrew T. McReynolds, have examined the same, and report:

The principal facts upon which the present claim are based are stated briefly in the preamble of the bill, as follows:

"Andrew T. McReynolds served as captain of Company K, Third Dragoons, United States Army, in Mexico, during the war with that republic, and while acting in squadron with Capt. (the late General) Phil. Kearny, the usual escort to the general-in-chief, was, on the 20th day of August, A. D. 1847, disabled by a grapeshot wound, in a charge at the gates of Mexico, by reason whereof he was placed on the pension-roll at the rate of \$25 per month, which pension he continued to receive until the 15th day of June, A. D. 1861, when he was mustered into the volunteer service as colonel of the First New York (Lincoln) Cavalry (the first volunteer cavalry regiment organized for the late civil war), and served as such until the 22d of August, A. D. 1864, when he received an honorable discharge, during all of which time his said pension was withheld from him, amounting in all to the sum of \$950, no part of which sum has since been received by him.

The fact appears from the evidence that notwithstanding his disability, for for which he was pensioned, this brave soldier nevertheless volunteered in the next great war in which his country became involved, and rendered good and efficient service, although disabled. This would appear to be an additional reason why during the time he was again in the service he should have drawn his pension, instead of being deprived of it during such active service.

Your committee, therefore, report back the bill and recommend that it do pass.

Mr. COCKRELL. That seems to be a very peculiar case. I do not think it properly belonged to the Committee on Pensions. It is purely and essentially a claim, and I do not see how that committee could justly and properly take jurisdiction of it.

If this officer or soldier is entitled to be paid the amount of his pension withheld while he was in the service, every other person so situated ought to be entitled to it. If the Committee on Pensions had proper jurisdiction of this case it seems to me they should have reported general legislation; and if they considered it an individual claim, it ought to have gone to the Committee on Claims.

I think the Committee on Claims is the proper committee for the consideration of cases of this kind, and I hope the Senator from New Hampshire will consent to have the bill referred to the Committee on Claims. I move that the bill be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the bill be referred to the Committee on Claims.

Mr. BLAIR. Colonel McReynolds was the associate and companion of General Kearny in some of the most gallant actions of the Mexican war.

Mr. COCKRELL. There is no question about that.

Mr. BLAIR. He was always considered as quite the equal of General Kearny in military capacity, in gallantry, and in service, and their names were associated in the Mexican war. As the evidence shows, he was disabled by a grapeshot wound in that war, suffered severely, and drew a pension down to the war of 1861, but then, notwithstanding his disability, on account of his great military qualities, upon volunteering he was accepted in the service, and rendered most valuable and efficient service with almost as distinguished honor as in the Mexican war itself. During this period of time, notwithstanding he entered the service under disability, and for that reason his service would seem to merit increased consideration of a pecuniary character, his pension was suspended. He received his pay as an Army officer. He discharged his duty as efficiently as any Army officer whatever, and he did it under the disability contracted in the Mexican war.

It seemed to the committee that it was certainly proper that he should have received compensation for the disability which he was suffering during the time he was discharging these duties. I think the Senator himself will admit that there can be no good reason why the bill should not be passed and why this man should not receive the amount of pension withheld during the time he was in service in the last war.

If that be just, upon a mere question of a technical nature as to what committee should consider the question, it would seem to be a little hard upon him now at this late period of the session, no question of this kind ever having occurred to any one certainly on the committee, to send his case to another committee and thus delay the remedy to which he is entitled.

As the Senator sees, this is a Senate bill. It has not been considered by the other House as yet, and if it goes to the Committee on

Claims there will be just so much more delay. I never heard of another case like this, and I do not believe there is the slightest danger of embarrassment to the service from passing this bill.

Mr. COCKRELL. This claimant has waited twenty-two years. He was discharged from the volunteer army in 1864. That was twenty-two years ago, and I do not think that much harm could be done by the delay which would be caused by a reference to the Committee on Claims.

There is force in what the Senator says, but notwithstanding we have different committees for the purpose of considering claims and cases and bills of different characters and shades and affecting different classes.

The Senator says that he does not know of any other similar case; I could not say that there was any other case, but—

Mr. BLAIR. Has the Senator ever considered such a case in the Committee on Claims?

Mr. COCKRELL. I do not remember considering any such case, but the Committee on Claims might have this case and they would make an investigation of it, and would probably ascertain whether there were any other claims of this class or not. There must have been, in the very nature of things, a number of citizens who had been in the service of the United States, either as citizens or soldiers, prior to 1861 and who after that time enlisted in the Union Army. It must have been so. They all come in the same category; they all come under the same law. The law, as I understand it, at that time prohibited any one who was entitled to a pension and held an appointment under the Government from receiving both the pension and the salary of the office. The salary of the office was received in full for the services while they were rendered.

I think it would be far better that the bill should go to the Committee on Claims. Some question might arise that we could not see until that committee would have an opportunity of investigating it.

Mr. BLAIR. I did not intend by what I said by any means to concede that this was a bill which should go to the Committee on Claims in any event. It relates purely and solely to the matter of pensions, a pension which this man had been receiving and which for the time being was suspended. It seems to me there is no more reason why a bill like this should go to that committee than a bill for the restoration of one who has been dropped from the rolls to the rolls again. It all relates to a matter of suspended pensions.

The question is whether, under the pension laws or under those general considerations which affect the granting of pensions, gallantry of service, and the desert of the applicant, this pension should be restored. It is a pension matter pure and simple, and went properly, I think, to the Committee on Pensions originally.

In regard to this man there is a great deal of evidence with which the report might have been encumbered—record evidence of his very distinguished service. I am not aware, nor is the Senator, for he states no instance, of a single other case where a man suffering from disability entered the service during the late war. There may have been other cases, but they must have been exceedingly rare or they would have come to our attention. I think the Senator's assumption that there may have been many cases of this kind is without probable proof.

Mr. COCKRELL. There is the case of General Shields, a somewhat notorious case, drawing a pension, and who was also in the Union Army after drawing it.

Mr. BLAIR. This man's service was as deserving as that of General Shields.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

- A bill (H. R. 473) granting a pension to William Boone;
- A bill (H. R. 556) granting a pension to Bridget Sherlock;
- A bill (H. R. 599) granting a pension to Mrs. Honorah Maloney;
- A bill (H. R. 601) granting a pension to Alonzo V. Richards;
- A bill (H. R. 607) granting a pension to Janet E. B. Smith;
- A bill (H. R. 1106) granting a pension to Mary B. Carl;
- A bill (H. R. 1252) granting a pension to Eugenia A. Smalley;
- A bill (H. R. 2070) granting a pension to William Paugh;
- A bill (H. R. 3287) for the relief of Silas Corzatt;
- A bill (H. R. 3321) for the relief of Samuel C. Fisher;
- A bill (H. R. 3478) granting an increase of pension to Alonzo Maynard;
- A bill (H. R. 3741) granting a pension to Emeline Roberts;
- A bill (H. R. 3753) granting a pension to John D. James;
- A bill (H. R. 4134) for the relief of Margaret Callanan;
- A bill (H. R. 4586) for the relief of Nathan Hildabrant;
- A bill (H. R. 4884) granting a pension to Rose A. McManus;
- A bill (H. R. 4903) granting a pension to Christian Smarzo;
- A bill (H. R. 4905) granting a pension to Aaron C. Johnson;
- A bill (H. R. 4977) granting a pension to James N. Hair;

A bill (H. R. 5085) for the relief of Mary Hill;  
 A bill (H. R. 5655) granting a pension to Elizabeth B. Bell;  
 A bill (H. R. 5937) granting a pension to Sarah Gregg;  
 A bill (H. R. 6502) granting a pension to Lucy Ann Drew;  
 A bill (H. R. 7519) to increase the pension of Isaac N. Hawkins;  
 A bill (H. R. 5789) to amend section 2552 of the Revised Statutes of the United States; and

A bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes.

MRS. ELLEN M. BOGGS.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The Chair lays before the Senate the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs, which has been returned from the House of Representatives at the request of the Senate for correction. The Chair asks the unanimous consent of the Senate to have the mistake corrected in the bill.

Mr. HARRIS. What is the mistake?

The PRESIDING OFFICER. The mistake is in one letter in the bill in the name "Brenton." The correction is to strike out "Brenton" and insert "Brenton;" so as to read "widow of William Brenton Boggs." By unanimous consent the correction will be made.

Mr. EDMUNDS. Is that a House bill?

The PRESIDING OFFICER. It is a Senate bill recalled from the House for the purpose of making a correction. The bill stands passed.

Mr. EDMUNDS. So I understand.

SAMUEL HANSON.

The PRESIDING OFFICER. The Chair lays before the Senate the bill (S. 356) granting a pension to Samuel Hanson, returned from the House of Representatives at the request of the Senate. The question is on the motion to reconsider the vote by which the bill was passed—another bill, a House bill, having been passed in place of it. If there be no objection, the Senate bill will be postponed indefinitely. The Chair hears none, and that order is made.

UNIFORM SYSTEM OF BANKRUPTCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

Mr. HOAR. I desire to make a suggestion, which I make at the instance of the President of the Senate. An order was made that the bill should be read section by section for amendments, every member of the Senate however to have the right to go back at any time to a passed section; but the President of the Senate suggests that it would be probably much more convenient to the Senate to have the bill read straight through and then have the amendments moved in the ordinary way. Therefore I ask leave to have the former order rescinded.

The PRESIDING OFFICER. If there be no objection, the order will be rescinded and the bill will be read through. The reading of the bill will be proceeded with.

Mr. TELLER. I understand that it will not be in order to offer amendments as the reading proceeds?

The PRESIDING OFFICER. The bill will be first read through.

Mr. HOAR. And then amendments may be offered.

The Chief Clerk resumed the reading of the bill at section 13 and read to the end of section 30.

Mr. GEORGE. Is the reading now going on for the purpose of amendments to the various sections as they are read?

The PRESIDING OFFICER. It is understood that the bill will first be read through, and it will then be open for amendment.

Mr. HOAR. The President of the Senate desired that course to be pursued.

Mr. GEORGE. I wanted to know what the order was. The bill is to be read through first before any amendments are offered?

The PRESIDING OFFICER. It is. The reading will proceed.

The Chief Clerk resumed and concluded the reading of the bill.

Mr. HOAR. I wish to make two merely formal amendments.

I move to add as section 109 these words:

Sec. 109. This act shall be known as the bankruptcy act of 1886.

The amendment was agreed to.

Mr. HOAR. In section 106 there is a blank left in the print in lines 4 and 5. I wish to amend so as to insert after the word "on," in line 4, the words "the 1st day of April," and after "eighteen hundred and eighty" to insert "seven," as the time when the act shall go into full operation. The section will then read:

Sec. 106. That this act shall take effect as to the appointment of commissioners and supervisors and the promulgation of rules upon its passage, and shall go into full operation on the 1st day of April, 1887, and no officer shall be deemed to have earned any salary excepting from and after said last-mentioned day.

The amendment was agreed to.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. VAN WYCK. With the consent of the Senator from Massachusetts in charge of this bill I ask that the bill be laid aside temporarily so that the Senate may resume the consideration of Senate bill 1812, Calendar number 313.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. ALLISON. What is the bill now?

Mr. VAN WYCK. Simply to tax railroad-grant lands.

The PRESIDING OFFICER. There is an amendment pending, proposed by the Senator from Vermont [Mr. EDMUNDS], which will be read.

The CHIEF CLERK. In line 12 of section 1, after the word "provide" and before the colon, the amendment is to insert the words:

And to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect to such lands.

So as to read:

That any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner as the Secretary of the Interior may by rule provide, and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands.

The amendment was agreed to.

Mr. BLAIR. I understand that the bill relating to the taxation of land-grant railroads has been called up.

The PRESIDING OFFICER. That is the bill under consideration.

Mr. BLAIR. It is a bill that I opposed the other day, and I gave my reasons for opposition to it. I do not care to consume the time of the Senate any further, but I should like the Senator from Nebraska to accept an amendment which I suggested the other day. I have not the papers here now, as the bill has come up unexpectedly. I ask the Senator to accept the amendment offered by me the other day providing that upon any sale of these lands for non-payment of taxes the United States may become a purchaser, and that in case of the purchase by the United States, on the United States, paying the tax the lands shall revert to the public domain, to be disposed of under the laws appertaining thereto. I apprehend—though my apprehensions may be unfounded—that otherwise these lands will in vast quantities fall into the hands of unscrupulous speculators. That fear, in my belief, is largely the source of the repulsion to the bill.

By virtue of this amendment the country itself may purchase these lands upon the payment of the taxes, and having purchased them they shall revert to the common mass of public lands, to be disposed of under the homestead and other laws that now prevail to prevent their aggregation in immense individual ownership, which I look upon as one of the crying evils already in our country, and which ought to be checked even in the older and longer-settled portions of the Union, and certainly in the Territories and in States which are comparatively of recent establishment something should be done to prevent the accumulation of these lands in the hands of individuals.

In my own State I know that there is not such a great deal of land. Nevertheless the acquisition by tax titles of the unoccupied lands of the States has been a very serious evil. In these Territories where so much of this land is available for cultivation it seems to me that the bill itself under the circumstances is injudicious; but at all events, unless we do guard the provisions of the bill in such a way that the land shall come from the railroads to the general mass or fund of public lands in the possession of the United States, we shall increase an evil already almost too grievous to be borne.

I hope the Senator will accept my amendment.

Mr. VAN WYCK. The Senator will have his amendment reduced to writing.

Mr. BLAIR. I have not the papers here.

Mr. VAN WYCK. I think there will be no objection to the Senator proposing his amendment.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to add the following proviso:

Provided, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser—

Mr. HARRISON. What does the Senator mean by that?

Mr. BLAIR. I mean at the same price that is offered by others the United States shall take the land.

The PRESIDING OFFICER. The Secretary will resume the reading of the amendment.

The CHIEF CLERK. The proposed amendment is to add the following:

Provided, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as now provided by the laws relating thereto.

Mr. BLAIR. Does the Senator accept the amendment?

Mr. VAN WYCK. I have no objection to the amendment.

The amendment was agreed to.

Mr. BLAIR. There was another amendment I suggested, to insert as additional sections the following:

Sec. —. That no natural person or persons or partnership shall hereafter acquire, hold, or own, either by virtue of the laws relating to the disposition of the public lands, or by grant, assignment, purchase, descent, or by any other method by which title to land may be acquired, more than 320 acres of agricultural lands nor more than 640 acres of any description of lands which shall belong to the public domain, on or after the passage of this act; and hereafter all patents and

evidences of title to any portion of the public domain to which this act shall apply shall recite the provisions hereof.

Sec. —. That all lands acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney-General to enforce every such forfeiture by due process of law.

That amendment perhaps would not be as necessary as the other, because it would become, as I conceive, the duty of the United States to purchase these lands in every instance and return them to the public domain; and if that be so, and in consequence these lands be disposed of under the homestead and pre-emption act—probably under the homestead act, as the pre-emption act is likely to be repealed, a bill being pending in the Senate at the present time for that purpose—then of course the land will go for homesteads, and I do not think it would be worth while to fix a limitation to govern for all time on these particular lands unless there be a general provision applying to all public lands hereafter disposed of, which I believe would be a good thing to do, so that the public lands forever hereafter should be disposed of in small quantities, and that they should be forever hereafter held in small quantities, no larger than the original ones, in 160 acres, or some subdivision thereof. Of course I refer to agricultural lands.

There are considerations I am aware that attach to some of these lands in the West by reason of their lack of value until irrigation is provided on a large scale, that may make it proper to consider a proposition of this kind somewhat further; but in some way, I think, irrigation having been provided at the general public charge, the amount of land that is occupied by any one individual, the substantial control and income of which is made available by any one individual, should be limited to a small quantity. I had some data—

Mr. HOAR. If the Senator wants time to get his amendments in shape—

Mr. BLAIR. If the Senator will excuse me a moment I have a list of the amendments; but my documents and my facts, my references and my magnificent argument, that the Senator from Nebraska has had notice of, are not at hand, because the bill has come up unexpectedly.

Mr. HOAR. Perhaps the Senator will allow me to offer a slight amendment, and he can resume his afterward. I do not care to do it unless it is convenient to the Senator.

Mr. BLAIR. I would ask the Senator from Nebraska—for I wish to offer no captious opposition to his bill—is not the evil which he aims at located in the States of Kansas and Nebraska almost wholly?

Mr. VAN WYCK. If the Secretary will send for a petition presented by the Senator from Michigan [Mr. PALMER] a few days ago, which was ordered to lie on the table, as this bill was under consideration, it will be seen where the evil prevails.

Mr. BLAIR. Does the Senator object to the amendment?

Mr. VAN WYCK. Will the Secretary please send for that petition? The Senator from New Hampshire has asked whether this does not apply exclusively to the States of Kansas and Nebraska. I desire to say to the Senator that that is not so. There are other States, and nearly every Territory is affected by this proposition.

Mr. BLAIR. I do not wish to press the amendment if the Senator assures me that the evil is in those other localities. Therefore I shall not offer it.

Mr. VAN WYCK. I supposed that the Senator desired to inquire what the evils were.

Mr. BLAIR. I am aware that they exist beyond those States.

Mr. VAN WYCK. All the Territories, I think every one, and at least half a dozen States have suffered to a very great extent by reason of these corporations being allowed to shirk their honest responsibility of taxation upon real estate over which their title is absolute, which for years they have mortgaged and which for years they have held in the market and partly disposed of.

Mr. BLAIR. I am aware that there is a reply made to that. I do not know which position is correct—that of the Senator or those who oppose it.

Mr. VAN WYCK. If the Senator asks the question, I hope he will be patient enough to hear the full answer—

Mr. BLAIR. I have got the full answer. If there is more, I am willing to listen. Does the Senator wish to say anything more on that point? I am always edified by his elucidations.

Mr. VAN WYCK. No, sir; I do not understand the Senator's point.

Mr. BLAIR. I am always edified by the Senator's elucidation.

Mr. VAN WYCK. I trust so. I am trying to do that and instruct as far as I am able to do so.

Mr. BLAIR. The gentleman has great capacity in that respect.

Mr. President, I move one other amendment to be added to the last:

And provided further, That the valuation of said lands upon which the same shall be subjected to taxation shall be subject to revision by the Secretary of the Interior.

I do not care to trouble the Senate with any further amendments if this is adopted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire.

Mr. TELLER. There can be no reason in the world that I can imagine why it should be adopted. A citizen of New York who owns land in the Territory of Dakota is subject when it comes to a question of taxation to the authorities of Dakota. If anybody can give me any

reason why a railroad company should have any further or greater rights than the citizens of the States I should be glad to hear it.

Mr. BLAIR. These lands are mainly in the Territories.

Mr. TELLER. I know they are largely in the Territories. It can not be supposed by anybody that there could be any interference by the Secretary of the Interior with assessments in a State. But why not apply to a railroad company the same rule you apply to a citizen? This is the railroad company's land. It has got all that it is necessary to get to enable it to receive the value of its land. It sells the land. For thousands and tens of thousands of acres the companies have received the benefit of the title given them by the United States, and yet they decline to pay the few cents an acre that are required to be paid to complete and perfect the title; that is, they decline to pay for the surveys for the express purpose of keeping them out of the tax-lists of the Territories.

The man who goes upon the alternate section of Government land and makes his title pays taxes upon the soil. The man who buys of the railroad company by the side of him holds it for an indefinite length of time and does not pay any tax at all. It is giving to the railroad companies a value to their land that they are not entitled to have by exempting it from taxation or by allowing a different rule in this case from what is applied to the citizen who owns land by the side of it, whether he happens to be a non-resident or a resident.

Why should the Secretary of the Interior interfere any more to protect a great, strong railroad corporation that is being unjustly and unduly assessed by a Territory than he should to protect the hardy settler who is on the public land? It does not appear to me that we ought to put in a provision of this kind in the bill. There is not any reason to suppose that the Territories will unduly tax these lands. The railroad companies have got their title to many acres of them. They are paying taxes on all which they have a patent for, and nobody that I have heard of complains of an undue assessment either by State or by Territory upon these railroad companies. Let the railroad companies alone to take care of themselves. They are as able to battle with the authorities of the Territories as the settler is; and if the Secretary of the Interior is not to interfere to protect the man who has a lowly cabin on 160 acres, I do not think he ought to interfere to protect a great big corporation that has millions of acres of the public lands that for years it has withheld from the tax-lists, in many instances having derived the full benefit of the grant by sale and payment—by sale to the settler and payment from the settler.

Mr. BLAIR. The Senator's remarks apply to but a very small portion of the lands that are to be affected by the passage of this bill, and, as I understood and still believe, the evil that is sought to be remedied is confined almost wholly to the States of Nebraska and Kansas. It may exist to a very slight degree in the State of Colorado. But the scope and purpose of this bill, or one thing that as I understand can be done by it and almost certainly will be done, will be the forced sale of the vast mass of the as yet unimproved land grants which are in the possession in law of the railroads to be sure, but which are nevertheless now and likely to be in many instances for years to come in precisely the same condition as the adjoining public land, unimproved and unimprovable, but yet the basis of the credit upon which these railroads were built, and a source of no income, and for years hence not likely to be the source of any income whatever.

So the imposition upon these lands (many of which will not sell for 25 cents an acre to-day) of a very slight tax to be paid year after year, with no income existing out of which to pay the tax, must result in practically the forfeiture of these lands and vesting the title in somebody else; and all through Montana, and Dakota, and Washington Territories, and in New Mexico and Arizona, and in the Territory of Utah, and in some of the Pacific States, perhaps in every one of them, these lands are likely to be, to use a homely expression, gobbled up by speculators and held indefinitely for higher prices in the future. They will obtain them for a song, as we know that the great Pacific railroads, every one of them, or nearly every one of them, is embarrassed by debt, finding it impossible to pay any income whatever upon the cost that built them originally, hardly able to meet their fixed charges on their bonds and mortgages, and probably some of them will ultimately fall into the hands of the United States, unless the United States may consider it cheaper to forfeit its claim rather than be embarrassed with the property.

Under these circumstances it is not exactly the thing, as it strikes me, to pass a law which gives an unlimited power of taxation in these comparatively unpopulated communities when a county is organized having all the powers of taxation which belong to an older and well-ordered community—it is hardly the thing to give such bodies the power to fix high valuations on these lands, and so a resulting tax that is likely to result in forcing the title from the companies whose basis of credit these same lands now are, and into somebody else.

As I said before, the adoption of the amendment which I first moved will, in my own mind, remove the great part of this apprehended evil, because I should consider it the duty of the Government officers to reach all these lands by the payment of the taxes and thus to return them to the public domain. A part of the evil will thus be obviated, but if that be done it seems to me—and it seems to me in any event—in all

these communities which are as yet very sparsely populated and where the evil of which I speak is very likely to exist there should be some provision made to guard against an excessive valuation, so that if it be thought desirable for the corporations to retain their land they can do so.

I am not very particular about this amendment. It struck me as a good amendment and I think it can do no harm to the bill and is likely to do it much benefit. I simply ask the sense of Senators, and leave the matter.

Mr. TELLER. When the honorable Senator says that this bill is only to affect Kansas and Nebraska, to be mild he displays a great lack of acquaintance with the facts. I venture to assert that it affects more land to-day in the State of Colorado than it does in Kansas, or in Nebraska either, as the Senator from Nebraska suggests. It affects lands in Kansas, in Colorado, in Nebraska, in Montana, in Washington, in Oregon, in California, in Nevada, in Wyoming, in New Mexico, and in Arizona.

Mr. BLAIR. Then the Senator understands that it covers every acre of land grants which have been made over by the United States to various corporations.

Mr. TELLER. I understand that it covers all the land grants that the companies are entitled to and have acquired by virtue of a compliance with the statutes of the United States with respect thereto; and I do not know any rule of ethics or law or morals that justifies a railroad company in escape from taxation and puts it upon the settler. I do not care if it is in failing circumstances; I do not care if it is a bankrupt railroad; that has nothing to do with it.

The first duty of every citizen is to pay taxes to the State in which he lives. That duty is exacted of the poorest man in the community who has a cow or an ox or a piece of land. Why it should not be exacted of a railroad company I am yet to learn.

These railroad companies have for years, as I say, declined to discharge an express duty imposed upon them by law as a condition to taking these lands; and the Supreme Court says that because they have so declined, the State and the Territory shall not have the benefit of taxing the lands. They will not build school-houses with their taxes; they will not carry on municipal affairs of the State or Territory because they decline to pay; and the Senator says that in these unsettled communities things are not as determinate and as settled as in some other sections and they are liable to be imposed upon. It is not true.

It is not true of the people who have settled these Western Territories that they have taken any advantage of the non-resident who owns land in their midst. Those States as they came into the Union made a contract not to do that, but if they had not made such a contract it would not have been done. If anybody can tell me why they should not bear their part of the burden I should like to have him do it.

Mr. BLAIR. I wish to ask the Senator a question.

Mr. TELLER. I will yield for a question.

Mr. BLAIR. Does the Senator believe that there would have been one dollar of the capital that has gone into the construction of these roads and has made the communities of which he speaks possible, invested on the faith of these railroad grants, if it had been the understanding or the belief that even in the remotest future, until those incumbrances were paid, one dollar would be collected from the lands.

Mr. TELLER. In the first place these railroad companies are not entitled to the credit of having settled up a great portion of the West. We got out there hundreds and in some cases thousands of miles beyond railroads and established flourishing communities. I have seen in the mountain regions 600 miles from a railroad a community that would do credit to New England. I have seen 400 miles beyond that a settlement vigorous, enterprising, intelligent, full of everything that went to make a country desirable. The railroads are not entitled to the credit of having settled this country. The people in many instances went there and established themselves before the railroads came. We had a flourishing community in Colorado when there was not a railroad within 600 miles of us.

We carted everything across the plains and we maintained a government there that would be a credit to any people in the world. When these railroad companies came there they brought us some advantages, and they took from us corresponding and compensatory advantages to them. We maintained and we supported them; we have enabled them to pay dividends, and we have kept them running. We have been willing and glad to do it. We have borne our part of the burden of building up a State, and we insist that they shall do their part, and that they shall not be permitted under this system to say to one man "live on that section of land without paying taxes," while his neighbor who lives on the adjoining section pays taxes.

The Senator asks, do you believe anybody could have built the roads—

Mr. BLAIR. No, that people would have invested their money.

Mr. TELLER. Would anybody have invested money and built the roads, asks the Senator, if it was understood that these lands were to be taxed. Everybody understood that they were to be taxed. Everybody understood that these lands were to be taxed. Ownership means taxation. Does the Senator pretend to say that when these grants were made it was contemplated by any living person that they were to escape taxation? Not at all. It was understood that they should be

taxed and it was provided that they should pay for the surveys, and it was never anticipated by anybody that they would make a refusal to pay the excuse for escaping taxation.

When the Senator says that these people would not have put their money in if they had supposed they were to pay taxes, let me ask did they not know that they were to pay taxes on the railroad? Did they not know that they were to pay taxes on their locomotives? Why then not pay taxes on their lands? I know some of the companies have paid the costs of survey, and some of the companies have taken their titles in accordance with the law; but others have not so done. It is to reach the cases where they studiously avoid paying their taxes that this bill is introduced.

Mr. MITCHELL, of Oregon. I should like to ask the Senator from Colorado a question. Ought there to be any difference made in the legislation in regard to these companies who have paid for surveying the lands and those companies that have not?

Mr. TELLER. If they have paid the money or made a tender they are taxable now. In other words, the railroad companies that have been honest, *bona fide* observers of the law are now taxed. The railroad companies that have escaped the law and have declined to discharge an obligation imposed on them by the statute are the ones who are escaping.

Mr. MITCHELL, of Oregon. The Senator does not understand me. This bill is designed mainly to relieve the governments in the Territories from the effect of a decision of the Supreme Court of the United States.

Mr. TELLER. A recent decision. Unsurveyed lands can not be taxed and are not taxed in any of the communities.

Mr. MITCHELL, of Oregon. I ask the Senator at what particular point it is proper to commence taxation of the lands by the States and Territories, and at what point the transfer of lands from the Government takes effect?

Mr. TELLER. I do not think I quite understand the question.

Mr. MITCHELL, of Oregon. A grant is made *in presenti*, for instance, to a railroad company. By the failure of the company to perform a condition subsequent the grant is forfeited, or if the company fulfills the condition the grant becomes effective. Now, at what time properly should these lands be taxed by the States and Territories; from the date of the grant, or from the date of the compliance with the condition, or from the date of the issuance of the patent? Is there any particular point where it would be proper to commence taxation, or more proper than it would at any other particular point?

Mr. TELLER. If the railroad company takes a patent that ends the subject and there is no necessity for legislation.

Mr. MITCHELL, of Oregon. I understand that.

Mr. TELLER. I will come to your question. If they have paid for the surveys, then there is no question; that is the end of that point. Now, when are they to pay taxes? They will not be taxed until after this bill passes. They will not be taxed except in cases where the company has not become the owner in the strict sense of the term. Now the companies are not the owners because they have not paid the paltry sum of 2 or 3 cents an acre for the cost of survey.

Mr. MITCHELL, of Oregon. The Senator will understand that I am not opposing the taxation of the land. I am in favor of some proper bill for that purpose. I am only making certain suggestions that occurred to me as proper.

Mr. TELLER. This bill in substance provides that where they have earned the land and nothing remains for them to do but to pay this sum that they are bound to pay, the land shall be taxable, and that it may be taxable notwithstanding they decline to pay.

Mr. EDMUNDS. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. EDMUNDS. I ask whether he is quite sure that the first clauses of this bill will operate precisely in the way that he has just now so properly stated?

Mr. TELLER. I think they will.

Mr. EDMUNDS. And when a railroad has earned the land and is entitled to it so that it can dispose of it, and fails to do what is necessary in the payment of the cost of taking out its patent it should be taxed, to which I entirely agree. I ask whether the bill does not go further in cases put as I shall state. I am told that in one instance—I do not know whether it is true, but I believe it to be true—one land-grant railroad company in this country has always paid the costs, paid its money in advance for the costs, wanted to get its land and could not get its patent for the reason that the Department says it is so far behind; that years and years have gone by in a great number of cases and the company can not get its patent and it will not undertake to put a settler on until it can sell him the land fair and square.

Mr. TELLER. I do not suppose, and it is not intended by this bill and it is not the theory of the people who demand this, that they shall wait for a patent. Whenever it has been put in the power of a railroad company by discharging the obligation imposed upon it by law, which is to pay for the survey—and it is provided that this money that they pay in is to be used for making the surveys—to get title, that land becomes taxable.



Mr. EDMUNDS. But on what principle if the company can not get a title?

Mr. TELLER. It can get the land. The law presumes the companies can get the land and they can sell it from that hour.

Mr. EDMUNDS. But have they a title?

Mr. TELLER. They have a title; certainly they have a title. The Supreme Court has declared again and again that it is a grant *in presenti*. They are the owners, and if there is an exception to it I do not know of the railroad. There may be an exception; I am told there is one in California; but it is the only exception, I will venture to say, where they do not treat that land as absolutely theirs as if they had the patent. I can point to the honorable Senator land worth \$100 an acre that has not paid a cent of taxes, and it has been worth that for years. I can show the Senator land that is very valuable, owned by a railroad company which they could take their patent for to-morrow, but they do not choose to take it. Why? Because they wish to reserve it for higher prices for speculation.

There is not the slightest danger under this bill that any railroad company will be improperly interfered with. There seems to me to be on the floor of the Senate an undue anxiety to take care of the railroad companies just now. Let them alone to take care of themselves. There is not a railroad company in this country, however bankrupt it may be, that can not bring to its aid the best legal talent in America. I have noticed that they always have money enough to get the best lawyers in the land for any purpose; and if there is any attempt to unduly and improperly and illegally tax them they will find it out and the courts will give them proper redress. It is a question that concerns a great many communities. It may seem to some Senators who have been brought up in communities where they found everything made to their hand, it may seem to Senators who have lived where the country has been settled for a hundred years, that it is a matter of very little concern who pays the tax. They ought to remember that the people who go out and settle in the West are poor people, and when they are called upon to build school-houses and court-houses and maintain order and society they are entitled to call for assistance upon everybody who has got an acre of land that can be made available; and if the settler pays upon his little quarter-section and his cabin and his few cattle, I do not see any reason why the great railroad companies should not pay, and I do not think you need call upon the Secretary of the Interior to protect them. They will take care of themselves.

Mr. DOLPH. Mr. President, listening to the remarks made by the Senator from New Hampshire, I ascertained that some amendments have been adopted to the bill, and I ascertained at the desk that one offered by himself had been adopted, which is as follows:

*Provided further,* That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as now provided by the laws relating thereto.

I should like to inquire if that amendment is now subject to amendment?

The PRESIDING OFFICER. The amendment will be the subject of amendment in the Senate.

Mr. DOLPH. It seems to me that there should be an amendment that if the lands are not redeemed they should be restored, so that it would not look like an attempt to restore to the public domain any lands that happen to be sold for taxes. It is well known and is the case in all the Western States that whenever any land is sold for taxes it is subject to redemption within a given time, and a deed for the property is not given by the tax-collector to the tax-sale purchaser until after the time for redemption has expired. To make this amendment in harmony with the laws of the States and Territories where these lands are situated such a modification ought to be made.

Mr. BLAIR. I would be glad if by unanimous consent these words could be considered incorporated in the amendment.

Mr. EDMUNDS. Let us see about that.

The PRESIDING OFFICER. The Senator from Oregon will send his proposition to the desk.

Mr. DOLPH. Mr. President—

#### UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. Before my friend proceeds I wish to ask for a unanimous consent. I desire to make a request of the Senate in regard to the order of business.

It is understood that to-morrow is set apart for the funeral eulogies of our deceased colleague, Mr. MILLER, of California. Monday is Decoration Day. I am myself very desirous of going home to Massachusetts, and the only obstacle is the necessity for taking care of the bankruptcy bill, which will come up on Friday, if the Senate shall sit on that day, which is yet undetermined. I desire, therefore, to ask unanimous consent that the bankruptcy bill, which is now the unfinished business, may be the unfinished business on Tuesday next at 2 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. HOAR. The bill being postponed until that time.

The PRESIDING OFFICER. It is proposed that the bankruptcy

bill be postponed until Tuesday next at 2 o'clock, and be the unfinished business at that time. Is there objection? The Chair hears none, and it is so ordered.

#### TAXATION OF RAILROAD-GRANT LANDS.

The PRESIDING OFFICER. The bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes, is before the Senate.

Mr. DOLPH. I was about to say that as a member of the Committee on Public Lands I joined in the report of this bill. I am in favor of removing, so far as the rights of the United States are concerned, every obstacle to the taxation of railroad lands whenever they ought in justice to be taxed. I recognize the fact that the present condition of affairs works a great injustice to the people of the Western States and Territories which ought to be remedied. Whenever railroad lands are improved and cultivated, whenever they have been sold and are occupied and are situated in organized counties they ought to be taxed as well as the even sections to which title has been acquired under the pre-emption and homestead laws. But I have heard so much said upon this question of taxation in regard to the conduct of the railroad companies in the matter of the payment of costs of the survey of their lands, and have heard the statement so often repeated that they refuse to accept title to their lands in order that they may avoid taxation, that knowing something of the facts in regard to at least one company, I desire to correct some statements which I think are mistakes.

I introduced a resolution in this body, which was adopted, calling for information from the Secretary of the Interior, and hold in my hand his reply, which I will refer to presently.

This question of taxation stands as follows: In 1862 a grant of land was made to the Union Pacific Railroad Company, or what was afterward known as the Kansas Pacific, of alternate sections on each side of the located line of their road within given limits. The act did not provide for the payment of the cost of surveying, selecting, and patenting the lands by the company.

In 1864 an amendatory act was passed increasing the grant and conferring some valuable additional concessions upon the company, and providing that before patents for the granted lands should issue the company should pay the cost of selecting, surveying, and patenting the lands.

In the case of the Railroad Company *vs.* Prescott, 16 Wallace, 603, in the Supreme Court of the United States it was held that the lien of the United States for the cost of surveying the lands was such an interest in the lands that they could not be sold for taxes. That decision was followed subsequently by the Supreme Court in another case.

The case of the Northern Pacific Railroad Company was entirely different. There was no provision in the charter of the company requiring the payment by the company of the cost of selecting, surveying, and patenting its lands, but this provision was contained in the charter:

That the President of the United States shall cause the lands to be surveyed for 40 miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad.

The United States has always surveyed the public domain at its own cost. When the bill incorporating the Northern Pacific Railroad Company was pending in the Senate Senator Harlan offered an amendment, which was adopted, which required the railroad company to pay the cost of surveying, selecting, and conveying its land, but the House refused to concur in the amendment, and the committee of conference argued that the Senate should recede, which was done.

In 1870, in the sundry civil appropriation bill, I think, for the year ending July 1, 1871, a provision was inserted requiring all railroad companies to pay the cost of surveying, selecting, and conveying their lands before patents should issue. The Northern Pacific Railroad Company did not believe that that was a constitutional enactment. They believed it was in violation of the vested rights conferred upon them by their charter, and it was so held in the case of Cass County *vs.* Donlus Momson, a purchaser of lands from the railroad company, in 28 Minnesota Reports, 257. In this case the act requiring the Northern Pacific Railroad Company to pay the cost of surveying its land was held to be unconstitutional.

Thus the law stood when the Interior Department made an order that the company should pay the costs of surveying lands which had already been patented to the company. After some little controversy the Northern Pacific Railroad Company determined to pay such costs under protest, notwithstanding they believed that the act requiring them to do so was unconstitutional.

I hold in my hand a letter from the Secretary of the Interior in response to the resolution referred to, accompanied by a communication from the Commissioner of the General Land Office, answering the several matters contained in the resolution, in which it is stated that the Northern Pacific Railroad Company has selected 7,903,026.25 acres of land within its granted limits, that is the lands in place, and has selected 3,343,395.07 acres of indemnity land, making a total of 11,246,421.32 acres, and that there has been surveyed to this date within the limits of the grant only 21,732,542 acres. He further states:

The cost of surveying, amounting to \$42,686.50, has been paid by said company on 1,131,224.19 acres, of which 746,589.52 acres have been patented to the company and 384,634.67 acres have not been patented.

He says:

The regulations of this office make the payment of the cost of selecting a condition precedent to the approval of the lists of selections by the local officers; hence the number of acres selected (11,246,421.32 acres) is the number of acres for which the cost of selecting and listing has been paid.

The cost of patenting is assessed at the rate of 30 cents per 100 words (15 for writing and 15 for recording), and \$1 for the seal of the office, and is payable when patent is ready for delivery. The cost of patenting, amounting to \$168.85, has been paid on all the patented lands, viz, 746,589.52 acres.

It appears therefore from the report of the Secretary of the Interior that the company has paid the cost of patenting all the lands that have been patented to it. He says:

No patents are ready for delivery—

Let it be understood that while there had been less than three-quarters of a million of acres patented and over 11,000,000 selected, no patents are ready for delivery.

No patents are ready for delivery, as the issue of patents to said company is, and has been for several years, suspended on account of the failure of the company to locate and construct the road within the time required by the granting act.

In other words, the Department has for several years declined to issue patents to the company because it was understood by the Department they have failed to construct the road as required in the granting act.

The Commissioner further says:

Said company has not at any time after being advised of the readiness of this office to issue patents directly refused to pay the cost of survey and patent, but it did fail to make its selections, and thereby to put this office in a position of readiness to issue patents.

Now he specifies the general charge:

It could at any time between 1873 and 1880 have received patents for its lands in Minnesota, and, as fast as surveyed, east of the Missouri River in Dakota, had it made its selections and paid the fees.

And this notwithstanding there are lists of selections aggregating ten millions of acres in the General Land Office unapproved.

He furnishes also a list of the lands which have been patented to the company, from which it will appear that no patents have been issued to the company since October 13, 1873, nearly thirteen years, except for three thousand and sixteen and a fraction acres situated in Washington Territory.

This communication also contains the correspondence, and all the correspondence, between the Northern Pacific Railroad Company and the Interior Department in regard to this subject.

Mr. TELLER. What document is that?

Mr. DOLPH. It is Executive Document No. 126 of this session.

On page 13 of this document is found a letter written by the general counsel of the company to the Commissioner of the General Land Office, dated April 3, 1882, concerning this matter of the payment of the costs for the survey of the lands. This controversy was concerning the payment of costs for lands which had already been patented by the Interior Department to the company without the costs having been paid and without their having been demanded. Mr. Gray, the company's counsel, says:

Your letter above mentioned—

That is, a letter dated on the 29th of March, this having been written April 3 of the same year—

Your letter above mentioned is the first demand or request received directly or indirectly from any one for such payment, and is the first intimation given that it would be required or expected to be made. Since receipt of your letter on Saturday last the subject has had due and respectful consideration.

That was written, as I have said, on the 3d of April, 1882. Contained in the same document, and on page 21, I find copies of resolutions passed by the company, which appear to be on file in the General Land Office. They were passed on the 16th day of November, 1882, the following November after this correspondence in April, and are as follows:

Whereas the board of directors, at its meeting on the 16th day of November, 1882, adopted resolutions, of which the following is a copy, namely:

Resolved, That the company shall proceed with due diligence to obtain patents from the United States, confirming the title of the company to the lands granted to it by Congress to aid in the construction of the road, as provided in section 4 of the charter, and the president is hereby requested and instructed to cause the necessary steps to be taken to obtain patents by reason of constructed road heretofore approved by the President of the United States, and from time to time hereafter as constructed road shall be so approved. And it is further

Resolved, That the president be, and he is hereby, authorized and instructed to cause to be paid into the Treasury of the United States the cost of surveying, selecting, and conveying said lands from time to time as such patents are issued or applied for, and that he make such payment either under or without protest, as he may deem best for the interests of the company.

In calling attention to this correspondence between the Interior Department and this company I do not do it for the purpose of reflecting upon the office. I will not say that if I had held an executive office like that held by the Secretary of the Interior I myself would not have suspended action in regard to the patenting of these lands. I am finding no fault with any Secretary of the Interior or any Commissioner of the General Land Office. I am merely stating the fact as it exists. I must infer from this letter (I must take this letter as conclusive upon this matter, which contains all this correspondence) that while one branch of the Government has been unwilling to proceed to patent these lands to the company, or to approve lists of selected lands, and to pass upon the question of the title of the company to their lands, the

States and the Territories have been demanding that when the lands have been earned they should be approved and patented to the companies and be made taxable. They are right in regard to that, and they justly complain that while Congress has taken no action looking to the forfeiture of the grants, there has been inaction which has delayed the segregation of railroad lands from the public domain upon the part of another department of the Government, and that the communities in such States and Territories have suffered in consequence of such inaction.

I make these statements merely that justice may be done. I think they ought to be made public in connection with what has been said during the discussion of this bill, and especially in regard to the disposition of these companies not to obtain title to their lands so that they may become subject to taxation.

As I said, these lands ought to be taxed whenever they have been earned, and whenever the title has passed from the Government, but when is that? What is the condition of this grant? The Senator from Colorado said, and said rightly, that the courts have decided that these railroad grants are grants *in presenti*. I think the grant to the Northern Pacific Railroad Company and to the Union and Central Pacific Railroad Companies are grants *in presenti*. They transferred to the companies a present title but a defeasible title, a title upon condition, and until the condition is performed the lands are liable to be forfeited by the act of the legislative department of the Government for non-performance of the condition and to be restored to the public domain.

But that is not all, sir. These grants are grants of land in place and of indemnity lands. The lands in place are grants of alternate sections, odd sections within certain limits on each side of the line of the located road, in the case of the Northern Pacific Railroad Company in the Territories 40 miles in width, and in the States 20 miles in width. But there are certain exceptions to this grant; for instance, there are the Indian reservations. Lands within the Indian reservations do not pass by the grant. Lands within military reservations do not pass. Mineral lands do not pass by the grant unless they are coal or iron, I believe. In the case of the Northern Pacific, and probably all the transcontinental roads, the grant embraces coal and iron lands, but other mineral lands are excepted. If lands were settled upon at the time the act took effect such lands are also reserved from the operation of the grant.

In such a case it becomes necessary to determine in some authoritative manner what are the lands which are covered by the grant? It is necessary to segregate the lands which come within the operation of the granting act from the lands which are reserved from the operation of the act? How is that to be done? That can not be done until after the lands have been surveyed. Until they have been surveyed the grant is a floating grant, it is not, fixed it can not be defined; but when the lands are surveyed the grant acquires a definite location.

The next step is to segregate from the balance of the land within the limits of the grant lands which are excepted from its operation. That is what is called selecting the lands. How is that done? An agent of the company, of the party owing the grant, goes to the local land office and makes up a list of lands which are supposed to come within the operations of the grant by legal subdivisions, whole sections, half-sections, quarter-sections, or subdivisions less in amount, as the case may be, with the aid of register and receiver and the office plats and records.

The lands which are excepted from the operation of the grant are not included or intended to be included in the lists. The register and receiver approve the selected lists. Then they are sent up to the Secretary of the Interior for his examination and approval, and until the Secretary of the Interior approves such lists, the lands are not segregated from the public domain. No man can tell what the cost of surveying the railroad lands in a section is until they have been segregated from the other lands in the township, because the company is not required to pay the cost of surveying the lands which it does not get. No computation as to the costs can be made until the lists of selections have been finally approved by the Secretary of the Interior.

Still it is complained that this railroad company—and I speak concerning the Northern Pacific Company, because the only information I have concerning this matter relates to that company, and it is in this latter—it is complained that the Northern Pacific Railroad Company is in default in not paying the cost of surveying its lands when out of over 11,000,000 acres which have been selected by the company there have been approved, segregated, set apart, determined by the action of the Secretary of the Interior to belong to the company only seven hundred and forty-odd thousand acres of land, while 10,000,000 acres of land have been selected and the lists of selections have been sent up and now lie in the office of the Secretary of the Interior awaiting his approval. Nobody can say as a matter of law or as a matter of fact that such lands all belong to the company, or that the company should pay for the survey of them all; and no request for such payment appears to have been made of the company.

What ought to be done? If these lands do not belong to the companies claiming them the Government should say so at once. If there is no question about the company ownership they should be approved at once. If there is a question about any section or half-section or quarter-section it should be struck off the list and left for subsequent

action; but the great mass of the land should be approved at once, and the railroad companies given an opportunity to pay for the cost of survey, and the patents be issued. That would settle all this question of the taxation of the lands. If the companies do not proceed with proper diligence to select the lands, some law could be passed requiring them to select them within a certain time after they were surveyed.

I myself think that these lands can not and probably will not be taxed until the Secretary of the Interior has officially said that they belong to the railroad company. What do we propose to do? We propose to substitute for the Secretary of the Interior the local assessors, and to say that every school clerk, that every county assessor, that every city assessor who makes an assessment shall determine the question for himself whether the lands belong to the company, which involves the question as to whether they are mineral lands, and as to whether they are excepted from the operation of this act.

Mr. SHERMAN. Would it be convenient for the Senator from Oregon to pause at this moment, retaining the floor when the bill is taken up again, leaving it the unfinished business, that I may ask the Senate to pass the Chinese treaty bill?

Mr. DOLPH. I shall be very glad to yield the floor for that purpose.

The PRESIDING OFFICER. If there be no objection the pending order will be laid aside temporarily and the bill indicated by the Senator from Ohio will be taken up. The Chair hears no objection.

#### AMENDMENT TO RIVER AND HARBOR BILL.

Mr. HARRISON submitted an amendment intended to be proposed to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

#### CHINESE IMMIGRATION.

Mr. SHERMAN. With the consent of the Senator from Oregon, I ask the Senate to proceed to the consideration of Senate bill 1991. I hope it will be passed without much debate. I have seen no other opportunity to bring it before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1991) supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act approved July 5, 1884.

Mr. INGALLS. What is the Calendar number?

Mr. SHERMAN. It is on the Calendar at the head of the special orders.

The PRESIDING OFFICER. The bill will be read.

Mr. SHERMAN. Perhaps I had better say to the Senate just a few words at this time.

The bill was intended to carry into execution the existing laws in regard to Chinese immigration. It does not in the judgment of the Committee on Foreign Relations, who are, I believe, unanimous on the subject, change in any material or essential particular the treaty or the laws which have heretofore been enacted; but in the administration of the law several questions of difficulty, legal questions, have arisen, which have been brought before the United States courts.

This bill is mainly the work, as I am advised by the Senator who introduced it [Mr. FAIR], of the three United States judges on the Pacific coast whose duty it has been to administer the law. The provisions are mainly declaratory, or rather defining the meaning of the provisions of existing law, not with a view to change the principle of the law.

The bill has been very carefully examined in the Committee on Foreign Relations, and, so far as I know, every provision was assented to with entire unanimity.

The first amendment of the committee, that in the first section, which probably is the most important amendment to the bill as framed by the judges, simply undertakes to define the meaning of certain phrases named in the law, because Judge Field had given a certain meaning to those phrases and a judge of a United States court, I believe, in Massachusetts, or one of the Eastern States, had given a different meaning. The purpose of the first section of the bill as amended is to define the legal meaning of phrases, as to what is included in the term "Chinese laborer," &c.

I believe I have made all the explanation I need give in regard to the bill. I hope it will not lead to discussion, but if there is any amendment which is not understood, I shall try to explain it as best I can.

Mr. PLUMB. Which construction was adopted in the preparation of the bill, the construction of Judge Field or of the judge in Massachusetts?

Mr. SHERMAN. The construction of Judge Field was adopted without objection.

The PRESIDING OFFICER. The Chair will state that the bill has not yet been read at length. The bill will first be read before action upon the amendments.

Mr. SHERMAN. All right.

The Secretary read the bill.

The bill was reported from the Committee on Foreign Relations with amendments.

The first amendment was to strike out section 1, as follows:

That on and after ninety days after this act takes effect, every Chinese laborer

who, having been in the United States, has departed therefrom and remained absent from the United States for a period of two years, shall be deemed, taken, and held to have elected to remain permanently out of the United States, and to have waived and abandoned his right to return thereto under the provisions of any treaty existing between the United States and the Empire of China; and it shall not be lawful for any such Chinese laborer to return to the United States during the period prescribed for the suspension of the coming of Chinese laborers into the United States; and all the provisions of this act, and of the acts to which this act is amendatory and supplementary, relating to the exclusion of Chinese laborers, shall be applicable to the Chinese laborers so excluded by this section.

And in lieu thereof to insert:

That the words "Chinese laborer" and "Chinese laborers," wherever used in this act, or in the acts to which this act is supplementary or amendatory, shall be held to include and mean any laborer of the Chinese race, without regard to the Government to which such laborer may owe allegiance, and without regard to the port, place, or country from which such laborer may come to the United States; and the words "Chinese passenger," wherever used in this act, or in the acts to which this act is supplementary or amendatory, shall be held to include and mean all persons of the Chinese race, without regard to the Government to which they may owe allegiance, or the port, place, or country from which they may come to the United States.

Mr. HOAR. I understand the Senator from Ohio who reported this bill does not propose to address the Senate further. I think I ought not to let the occasion pass without at least expressing my own protest with regard to this entire proceeding.

This proposed act, and the statute of which it is an amendment, and the treaty which those two statutes profess to carry into effect, will in my judgment be regarded, if civilization be preserved on this continent, in future ages as among the great blots on the history of the human race. Here is legislation aimed at men, not on account of any individual crime or inferiority or fault, but simply because they are laborers and because they belong to a certain race; and that in defiance of the two great foundation principles of this Republic: that labor is honorable, and that there ought to be no distinction between human beings in their privileges on account of race.

The motive for this legislation is not, as will be confessed in private by every intelligent man who seeks it, any fault, wrongdoing, or inferiority of the classes sought to be affected, but because American skill, American industry, and American intelligence fears that it shall be beaten in the race for wealth, and for employment, and for power.

When the bill of which this is an amendment passed, the first proposition was to exclude Chinese laborers from this country for twenty years. That proposition was vetoed by President Arthur as an infringement of the good faith of this country pledged to China by treaty. That veto was supported by Congress in the constitutional way. Now, it is sought really to evade this pledged faith of the Government by making these exclusions by successive steps: First, for ten years from the date of the passage of the original act. Now, four or five years having passed by, ten years from the passage of the present act, so that we have now got fourteen or fifteen years of absolute exclusion.

The history of this clause in the treaty, which I should like to read, is a little remarkable. In the negotiations between Mr. Swift and Mr. Angell and Mr. Trescott and the Chinese Government, which took place at the request of our Government in China, after the Chinese Government had indicated to Mr. Seward their readiness to accede to a proposition made by him which would have absolutely relieved the Pacific coast from all the hardship which they had alleged, the United States commissioners submitted a draft in which it was provided:

That the United States might "regulate, limit, suspend, or prohibit" it. The Chinese refused to accept this. The Americans replied that they were "willing to consult the wishes of the Chinese Government in preserving the principle of free intercourse between the people of the two countries, as established by existing treaties, provided that the right of the United States Government to use its discretion in guarding against any possible evils of immigration of Chinese laborers is distinctly recognized. Therefore, if such concession removes all difficulty on the part of the Chinese commissioners (but only in that case), the United States commissioners will agree to remove the word "prohibit" from their article, and to use the words "regulate, limit, or suspend."

I now proceed with a quotation from President Arthur's veto message:

The Chinese reply to this can only be inferred from the fact that in the place of an agreement, as proposed by our commissioners, that we might prohibit the coming or residence of Chinese laborers, there was inserted in the treaty an agreement that we might not do it.

The remaining words, "regulate, limit, or suspend," first appear in the American draft. When it was submitted to the Chinese they said, "We infer that of the phrases regulate, limit, suspend, or prohibit, the first is a general expression referring to the others. We are entirely ready to negotiate with your excellencies to the end that a limitation either in point of time or of numbers may be fixed upon the emigration of Chinese laborers to the United States." At a subsequent interview they said that "by limitation in number they meant, for example, that the United States having, as they supposed, a record of the number of immigrants in each year, as well as the total number of Chinese now there, that no more should be allowed to go in any one year in future than either the greatest number which had gone in any year in the past, or that the total number should never be allowed to exceed the number now there. As to limitation of time they meant, for example, that Chinese should be allowed to go in alternate years, or every third year, or, for example, that they should not be allowed to go for two, three, or five years." At a subsequent conference the Americans said, "The Chinese commissioners have in their project explicitly recognized the right of the United States to use some discretion, and have proposed a limitation as to time and number. This is the right to regulate, limit, or suspend."

In one of the conferences the Chinese asked the Americans whether they could give them any idea of the laws which would be passed to carry the powers into execution. The Americans answered that this could hardly be done, "that the United States Government might never deem it necessary to exercise this power. It would depend upon circumstances. If Chinese immigration concentrated in cities where it threatened public order, or if it confined itself to localities where

It was an injury to the interests of the American people, the Government of the United States would undoubtedly take steps to prevent such accumulations of Chinese. If, on the contrary, there was no large immigration, or if there were sections of the country where such immigration was clearly beneficial, then the legislation of the United States, under this power, would be adapted to such circumstances. For example, there might be a demand for Chinese labor in the South and a surplus of such labor in California, and Congress might legislate in accordance with these facts. In general, the legislation would be in view of and depend upon the circumstances of the situation at the moment such legislation became necessary. The Chinese commissioners said this explanation was satisfactory; that they had not intended to ask for a draught of any special act, but for some general idea how the power would be exercised.

Our commissioners said at one point also—I have not got it before me, but I have the quotation here.—“You may trust in the justice and good faith of the Government of the United States.”

Mr. President, it is notorious, it will not be denied, that the legislation of four or five years ago was intended to go to the extreme of the legislative power which this Government could exercise without a breach of faith, and that twenty years was regarded by the then Executive as a clear breach of the public faith, and the bill was vetoed on that ground. Now this legislation attempts, as I have said, by indirection, extending this period from time to time, to do what Congress would not have attempted and would not be permitted by the Executive at that time to do directly, to make this prohibition in substance perpetual.

This matter comes up quite unexpectedly, and I do not propose to renew the discussion which took place, in which I took such part as seemed to me to be my duty four or five years ago.

If there were not a rivalry between the two political parties of this country for the political vote of the Pacific coast this legislation would be received, in my opinion, with universal execration from all intelligent and humane men. I do not propose to be led by any real or fancied political necessity into a departure from those principles of human freedom and human rights in which I have been educated, which have been the ornament and glory of my own State and my own country, and in departing from which every nation sooner or later is sure to encounter its just and ordained punishment.

I do not propose for one to repeat for myself or to see others repeat without a protest the miserable history of the years which preceded the war, preceded the year 1850, when the two great parties of the country undertook to vie with each other in bidding for the votes of the supporters of slavery. I deem this Chinese legislation in principle a repetition of that disgrace. I do not mean to have on my own record or to leave to my children any share in the blame.

Mr. SHERMAN. Mr. President, it does seem to me that my friend from Massachusetts has enough on his hands of public duty to perform without reviving the discussion of four years ago on the policy of Chinese exclusion. When I reported this bill I did not expect to be called upon to debate the question over again as to whether the Chinese should be excluded or not.

The bill contains a few provisions which in my judgment are improvements upon the existing law, to enable the courts of the United States to enforce the laws as they are.

I did not vote for either of the laws excluding the Chinese nor for the treaty; but that question is now settled and no man dreams in our generation at least of reviving that controversy. At any rate if my friend from Massachusetts wants to play the knight-errant in opening up that controversy, I will not join him in the operation. More than that, I am inclined to think that any one who will look over the subject carefully and fairly, especially in the light of the experience in California, must on the whole become convinced that the admission of a foreign race, so entirely inconsistent with ours, so different from ours in modes and habits of thought, a people that are entirely of a distinct race kind, quality, and religion so different in everything from us not to be allowed to the extent of our trying to absorb that population with the other elements we have got already, some of which are bad enough. We certainly can not expect to absorb that population and make it a part of the great American people. Whatever may be our theory, and I shared in the belief that it was not wise for us to depart from the old policy of opening up our doors and making this the place where men of all nations might come and enjoy freedom and liberty and the rights of conscience, yet I am not sure but that the time has come when exclusions must be made for the sake of American nationality. But I do not intend to discuss that, and I do not intend to be led into it now.

There is nothing in this bill inconsistent with our treaty obligations unless previous laws are inconsistent with them. There is no provision of the bill but what is in harmony with the existing law. Take the amendment that is now before us and what is it? It defines who is meant by existing laws by the term “Chinese laborer.”

Mr. HOAR. It extends the exclusion for ten years.

Mr. SHERMAN. This act operates for ten years. I do not know that I shall be here ten years hence, and perhaps my friend may not. He had better not borrow trouble ten years ahead.

Mr. EDMUNDS. You may both go up higher.

Mr. SHERMAN. Higher, or lower perhaps.

This defines what is meant by the phrase “Chinese laborer.” At once the question arose whether “Chinese laborers” when described in a statute of the United States meant persons who had been citizens of China, who had been living in China, belonging to the Chinese race, or

whether it meant persons belonging to the Chinese race. The question at once came up when the law was put in force, what construction should be given to this phrase.

On the one hand Judge Field decided in a very careful and elaborate opinion, which I now hold in my hand and which I could not answer if I would and which my friend from Massachusetts could not answer I think if he were to try—in a very plain, simple argument, that the phrase “Chinese laborer” included not only a person born in China proper, but a person born in Hong-Kong of the Chinese race, of the Chinese religion, although born under the dominion of Queen Victoria. I will only read the syllabus of this decision:

A Chinese laborer, born on the island of Hong-Kong after its cession to Great Britain, is within the provisions of the act of Congress of May 6, 1882, restricting the immigration of Chinese laborers to the United States. The purpose of the act was to exclude laborers coming from China, subject to certain stipulations of the treaty of 1880 with that country, and also laborers of the Chinese race coming from any other part of the world.

And then he goes on in quite an elaborate opinion and I think very clearly shows that. He quotes the language of the second section, which I will read:

The second section makes it a misdemeanor, punishable by fine or imprisonment, or both, for the master of a vessel knowingly to bring into the United States on his vessel and land, or permit to be landed, any Chinese laborer from any foreign port or place. The language of these sections is sufficiently broad and comprehensive to embrace all Chinese laborers without regard to the country of which they may be subjects. And the twelfth section declares that any Chinese person found unlawfully within the United States shall be removed therefrom by direction of the President to the country from whence he came—not necessarily to China.

A court in Massachusetts—it turns out that it was in Massachusetts—where the decision was made by Judge Lowell and Judge Nelson, held on the other hand that the words “Chinese laborer” should be restricted to persons born in China of the Chinese race subject to the Emperor of China. The ordinary course of business by which a vast horde of those people come here is for them to go to Hong-Kong, which is a little island controlled by Great Britain, and there they take ship for California. By just crossing the boundaries of the Empire of China to the island of Hong-Kong, according to the decision of the judges in Massachusetts, they would entirely evade the policy of the Government of the United States, evade the law and the treaty with China.

This matter was brought to the attention of the Chinese authorities. I have all the State papers on the subject. They said that was an abuse, but they could not prevent it. They could not prevent their people from going to Hong-Kong. That was the ordinary course of trade. They themselves admitted that that was an evasion, a wrong done to the treaty, an evasion of the law. They did not complain of the law and they do not complain of it now, and they never have complained of the operation of the law.

It seems to me under the circumstances that the decision of Judge Field was right, and the Committee on Foreign Relations therefore thought it better to adopt it in the forefront of this bill as a definition of the phrase “Chinese laborer.” That is all there is in the first amendment.

The first section of the bill as it came to us from the judges, introduced by the Senator from Nevada, had a provision that a person who was entitled to come back who had left here and had gone away must come back within two years in order to have the privilege of coming back. The Committee on Foreign Relations thought that would be a change of the law, and therefore struck out the first section and inserted instead this definition of what is intended by the phrase “Chinese laborer.” That is all there is in the first section as amended.

I do not propose to argue the question at length, but whenever Senators think that the three sections as redrawn are materially different from the old law I will try to point out the exact difference if I can.

While I am up I will say that the second section, to which attention has been called as being something very outrageous, is an exact copy of the second section of the old law except that it transposes the words “foreign port or place,” to another part of the section in order to remove a patent ambiguity.

The same phrase is used “from any foreign port or place” in the second section of the old law, and we also insert it in the second line as well as in the eighth line of the same section in the present bill. That is the only change made in the second section. So with the different sections, I shall be able to show a good reason why the various amendments should be made to the existing law in order to simplify it and enable the judges of the courts of the United States to carry it into operation.

Mr. INGALLS. Concerning the first amendment I should like the opinion of the Senator from Ohio upon this proposition. I understand that this bill is based upon and supposed to be in pursuance of the treaty stipulations between the United States and China.

Mr. SHERMAN. The Burlingame treaty was the only treaty that excluded us from such legislation.

Mr. INGALLS. Then this bill is based upon the treaty of 1880 between the United States and China by which we were permitted to suspend or regulate or control the migration of Chinese to this country.

Mr. SHERMAN. So far as the treaty would affect persons who were subject to some other government besides China, the treaty with China would have nothing to do.

Mr. INGALLS. What I wish to inquire of the Senator from Ohio is how under any treaty with China we can exclude by legislation a person of Chinese birth who owes allegiance to some other government besides China.

Mr. SHERMAN. The answer is obvious. We can exclude anybody from any country in the world under our treaties and laws, if we choose by our policy so to do, and we did two or three years ago exclude paupers, &c. The power of the United States to exclude people who are offensive is undeniable; but we had so restrained ourselves by our treaty of 1868 with China that we could not exclude Chinese from coming to this country because of the express provisions of that treaty, and therefore we abrogated that treaty to the extent of allowing us to prohibit laborers from coming here; but our power to exclude any population of any country in the world that is obnoxious to us or our institutions, I believe has never been denied.

Mr. INGALLS. But this section does not presuppose that idea. It expressly declares here that in carrying out this treaty with China, upon which alone this legislation is based, we may go outside our relations with China and exclude Chinese persons, whether they are subjects of that government or not. If we have the right to exclude persons who may owe allegiance to any government whatever upon the face of the earth, why do you apply the qualifying phrase in the first section of the bill to the Chinese and say you shall have the right to exclude Chinese laborers, or persons of Chinese descent, no matter to what government they may owe allegiance? I can not understand it. The declaration seems to be illogical, it seems to be inconsistent, it seems to be based on the supposition that we have not the right to exclude anybody else but Chinese.

Mr. SHERMAN. The difficulty that gave rise to this legislation was the feeling on the part of the people of the United States that this Chinese laborer, the cooly, the degraded laborer—not the Chinese people, not the mass of the Chinese people, not probably one in fifty of them, but the Chinese cooly who is regarded as a degraded laborer—ought not to be brought to this country, that his presence is offensive to us, injurious to our public policy, degrading to our labor, injurious to our people, offensive to our morals. That was the idea. We had so tied ourselves up that we could not do as we chose to do, exclude persons of a particular class and description as we did under the general law a few years ago when we passed a law excluding paupers and lunatics and various grades from all countries. We had tied ourselves up by the Burlingame treaty so that we could not do it, and so the subsequent treaty was only a modification of the Burlingame treaty.

Mr. INGALLS. The Senator seems to be wandering away from the topic. I find these words in the first section of this bill: "Without regard to the government to which they" (Chinese laborers) "may owe allegiance." Now, the Senator states that we have the right to exclude any person that we may see fit, let him come from any government on the face of the earth. Why, then, do you reiterate what is acknowledged to be a principle of political power or action in this country by applying this phrase to Chinese laborers? If we have the right to exclude them, of course we have the right to exclude them no matter what government they may owe allegiance to.

I do not understand that there ever has been any decision by any court or tribunal of this country that under the operation of the statute of 1882 we had not the right to exclude persons that we had a right to exclude whether they might be Chinese or not; but here in this bill, from some motive or purpose that I can not comprehend, this language is used, perhaps from an idea that there will be some interpretation of the law that in case a Chinese laborer has expatriated himself and become a citizen or a subject of another dominion we shall not have the power to exclude him. But the Senator himself says that power is not denied; it is a part of the general law of nations; it is a part of our political power already existing; and yet so great is the animosity, so great is the dread, so great is the fear and apprehension with regard to these few thousands of Chinese that it seems to be necessary to apply to them a distinction, a discrimination, and a qualification that the Senator himself admits without this, and as seems to me by implication to be a declaration, that we would not have the right to apply to people of other nations.

Mr. SHERMAN. I think the Senator was present when I read a reference to the decision of Judges Lowell and Nelson in which they hold—

Mr. INGALLS. They went over to Hong-Kong I understand.

Mr. SHERMAN. In which they hold that any person of the Chinese race born in China or born out of China might by shipping from a foreign port—

Mr. INGALLS. That can not be possible.

Mr. HOAR. My friend will pardon me; I can state what the decision was.

Mr. SHERMAN. Give me the decision and I will read it.

Mr. HOAR. I can state Judge Lowell's decision.

Mr. SHERMAN. I have Judge Field's comment upon it.

Mr. INGALLS. In a matter of this kind, if we are to determine a great constitutional or national question we ought to have the opinion on which we are called upon to act.

Mr. SHERMAN. I have not myself read the decision of the judges

in Massachusetts in full because I could not get it, but Judge Field quotes from the decision, and as a matter of course he assumes and knows that they did make their decision. My friend from Massachusetts says they did.

Mr. HOAR. I said they did not.

Mr. SHERMAN. They made a decision that persons might come from Hong-Kong. I would rather take what Judge Field said about the decision made by his coequal judge than take the hap-hazard remark even of my friend from Massachusetts.

Mr. HOAR. He was not a coequal in the first place. I read the opinion very carefully.

Mr. SHERMAN. Judge Field, who is one of the judges of the Supreme Court of the United States, says:

Our attention has been called to a recent decision of Judges Lowell and Nelson of the circuit court of the United States for the district of Massachusetts, in which they reach a different conclusion. Those judges considered that the act of Congress was simply intended to exclude laborers from China within the stipulations of the supplementary treaty. Undoubtedly, as already said, that was one of its objects; but it is very evident, both from the circumstances under which it was passed and from its language, that it had a still further object. The construction which we give renders all its provisions consistent with each other. The whole purpose of the law, which was to exclude from the country laborers of the Chinese race, would be defeated by any other construction.

The release of the petitioner must be denied.

It is manifest from this state of the law that here were two decisions widely apart from each other, just the opposite, as to the meaning of the words of an act of Congress. It is necessary therefore that Congress should step in and define its meaning. If it meant only that Chinese must go through Hong-Kong and be shipped under British colors in order to evade our law, we ought to say that was the meaning, and that would be the end of this Chinese restriction; but on the other hand if we adopt the opinion of Judge Field that the object of Congress and the language of Congress fairly construed meant something more, we ought to adopt that construction. That is what is done by the bill of the Committee on Foreign Relations.

Mr. DOLPH. Will the Senator allow me to make a suggestion?

Mr. HOAR. I want to state on this point before it passes from the mind of the Senate, in justice to Judge Lowell and Judge Nelson, who are my friends and constituents, the exact thing which they decided. It will take but half a minute.

The question which arose in the court in Boston was whether the act of 1882 applied to the Chinese as a race without regard to their nationality, or whether it applied to the Chinese as subjects of the Emperor of China or persons belonging to a particular nation. Nobody ever claimed what the Senator from Ohio has imputed to these two distinguished judges. Judge Field, in the sentence from his opinion which has been read, negatives the idea that the Senator from Ohio has put upon this decision. Nobody claimed that a man belonging to the Chinese nation could cross to Hong-Kong and ship there and come into this country in violation of our law; but the claim was simply that an Englishman by birth, though of Chinese descent and origin, was not included in this act, and the argument of these two judges, which I have read very carefully, seemed to me to be irresistible.

In the first place, it is an act to execute certain treaty stipulations relating to Chinese. Now, how is it possible that an act to execute treaty stipulations with the Emperor of China can be supposed to have been intended to apply to a Chinaman born in England and who comes from England.

In the next place, the exceptions in the treaty to which this applied were exceptions put in to carry out a bargain with the Emperor of China under the conditions and circumstances upon which his subjects already here might stay; and that section, the third, related wholly of course to a promise to the Emperor of China, and did not affect our right to deal with the subjects of Queen Victoria.

Then, in the next place, the treaty, which this act says in its title it is carrying out, provides certain methods according to which the rights of Chinese in this country, or who shall come in here, not being laborers, should be secured, and goes on to say that on the application of the Chinese minister our Government will take into consideration any statement which he may make in regard to wrongs or in regard to exceeding the rights conferred and reserved by this treaty.

That was the argument which led these two learned judges to declare that the word "Chinese" means of the Chinese nation and not the Chinese race belonging to other nations. Whether it was a good argument or not I will not detain the Senate now to consider. I think it was.

I do not repeat this argument simply to antagonize what my friend has said, but simply to point out to him that he is altogether mistaken in the belief that these two judges, whose opinion of this treaty I dare say may have coincided with his—I do not know anything about that—had sanctioned a subterfuge by which a man belonging to the Chinese nation could go over to another nation and take shipping to our ports. They did nothing of the kind.

Mr. DOLPH. I rose merely to make a suggestion in regard to the remarks of the Senator from Kansas [Mr. INGALLS].

The power to exclude Chinese laborers is one thing; the exercise of the power is another. Before Congress can exercise the power the power must be possessed. Admitting for the sake of argument that

the term "Chinese laborers" includes all persons of the Chinese race without regard to the government to which they may owe allegiance, that it includes those who have become subjects of other powers, still it requires legislation to exercise the power which exists in the Government to exclude such persons under the act of 1882. Undoubtedly that is so after the decision of the judges in Massachusetts as to whether the terms used in the bill, among others the term "Chinese laborer," included citizens of Great Britain who were Chinese by birth. Certainly even if it is true that the words "Chinese laborer" include such persons it will be better to put it beyond controversy in this bill. The provision here that such term shall include "all persons of the Chinese race without regard to the government to which they may owe allegiance," would be surplusage but for the doubt raised by the decision referred to.

I do not see how the question of power arises, because, as I say, the power is one thing and must precede the exercise of it by legislation. It is necessary to have the power in order that the legislation shall come, which is the exercise of it.

Mr. RIDDLEBERGER. I ask that the bill lie over, and that the Senate now proceed to the consideration of executive business.

Mr. SHERMAN. We can get through with the bill very soon.

Mr. RIDDLEBERGER. On the statement that we can get through this evening, I withdraw my motion.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Foreign Relations to the first section.

Mr. McMILLAN. What is it? Let it be read again.

Mr. SHERMAN. I have explained it.

The amendment was agreed to.

The next amendment of the Committee on Foreign Relations was, in section 3, line 109, after the words "return thereto," to strike out "at any time within two years from the date of the issuance of the certificate, but not afterwards;" so as to read:

At the time the said collector or his deputy issues the preliminary certificate as aforesaid, or as soon thereafter as convenient, he shall make out or cause to be made out the return certificate, which shall be numbered to correspond with the entry of registration and the preliminary certificate, and shall also contain a statement of all the particulars required and entered in the book of registration, and shall certify that the person to whom it is issued is a Chinese laborer; that he was in the United States on the 17th day of November, 1880, or came into the United States prior to the 5th day of August, 1882; that he is about to depart from the United States, and is entitled to return thereto on the presentation and surrender of the said certificate to the collector of customs at the port where he shall again re-enter the United States, subject to the restrictions and limitations hereinafter provided as to the number of Chinese passengers who may come into the United States on any one vessel from any foreign port or place.

The amendment was agreed to.

The next amendment was, after the word "issued," in line 130 of section 3, to strike out the following clause:

That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate, or forge any such certificate, or knowingly transfer, utter, or have in possession, with intent to use the same, any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding \$1,000, and imprisoned in a penitentiary for a term of not more than five years.

The PRESIDING OFFICER. If there be no objection, the amendment will be considered as agreed to by unanimous consent.

Mr. HOAR. Oh, no; there is no unanimous consent.

Mr. INGALLS. I did not know until this moment that the first amendment on page 2 had been agreed to. I understood the Senator from Minnesota [Mr. McMILLAN] to ask that the amendment might be again reported.

Mr. HARRISON. He withdrew that request.

The PRESIDING OFFICER. The Senator from Minnesota withdrew that request.

Mr. INGALLS. It seems extraordinary to me that at this hour of the day a bill of this magnitude should be brought in here by an arrangement with a Senator who already had another bill pending and slipped into a crevice of time—

Mr. HOAR. What Senator?

Mr. INGALLS. I am talking about the Senator from Nebraska [Mr. VAN WYCK]. I say slipped into a crevice of time and railroaded through this body, containing provisions as extraordinary and multifarious as these are here. The Senator from Ohio states that he does not desire to renew the discussion of four years ago and accuses the Senator from Massachusetts of knight-errantry, intimating that he is a Don Quixote fighting windmills, and perhaps that I am his Sancho Panza [laughter], because we venture to ask that a great measure of this kind, which I affirm is a disgrace to American civilization, shall not be passed through here without discussion, and the Senator from New Jersey [Mr. SEWELL] who now occupies that chair *sotto voce* suggests, "if there is no objection, this amendment is unanimously agreed to," and nobody knows anything about it. The Senator from Massachusetts, after three or four amendments had been thus agreed to, arises and expresses his surprise that this arrangement is being completed. And I say, sir, that I did not know until this moment of time that that first amendment had been agreed to. The Senator from Nevada [Mr. JONES] says it is my own fault and the Senator from Colorado [Mr. TELLER] echoes him.

Mr. TELLER. Certainly I do.

Mr. INGALLS. It may be my own fault or it may be not. But so far as this bill is concerned it will never pass this body without discussion and without examination and without such protest as those of us who do not believe in its principles see fit to utter; and if there is any disposition to take advantage of the situation, I should like to be heard on that as on the rest of the situation here. I protest, sir, against this method of passing this bill and these amendments.

Mr. EDMUNDS. Mr. President, I will just mention to my friend from Massachusetts and to my friend from Kansas as to this particular amendment on page 8 to strike out the penalty words, that if any Senator will take the trouble to turn to page 13 he will see that in this bill as originally drawn and presented those two clauses were duplicated, and therefore we thought that one clause would certainly be enough. Whether it is a good one or not will come up when we get to it. This amendment of the committee on page 8 is simply to strike out the same provision that appears on page 13, as we thought one would be enough.

Mr. TELLER. Mr. President, I did assent by perhaps my looks to the suggestion that if the Senator from Nebraska [Kansas] did not know that the amendment to the first section had been adopted by the Senate it was his own fault. The Senate were allowed to hear it read from the Secretary's desk in the usual and ordinary method, and everybody heard it that was giving attention and listening. There was no advantage taken of the circumstances of the occasion. The opportunity was as good for the Senators who oppose the bill as for those who are in favor of it to have objected.

I do not intend to detain the Senate at this time of the evening by discussing the bill. If the Senator from Nebraska thinks that the friends of this bill are afraid to discuss it, I will—

Several SENATORS. Kansas, you mean.

Mr. TELLER. Yes, the Senator from Kansas.

Mr. INGALLS. If the Senator refers to me I wish he would ascertain my location. I represent the State of Kansas. It lies south of Nebraska, and I protest against being dislocated in this way. [Laughter.] This is the second time the Senator has referred to me as "the Senator from Nebraska," and of course I can not reply to arguments addressed to the Senator from Nebraska.

Mr. TELLER. I will give the Senator an opportunity; I will try to locate the Senator; but he has a method according to what they call out West "sloshing around," so that sometimes we can hardly locate the Senator. [Laughter.]

If the Senator from Kansas, the senior Senator from Kansas, thinks the friends of this bill are afraid to discuss it in the presence of this Senate, in the presence of the people of the United States, in the presence of the people of the world, he does not understand their temper.

He says the bill is a disgrace to American civilization. Why, Mr. President, there is not a nation in the world, there is not a nation in the history of the earth, that has not asserted this very principle which we are asserting here to-day—the right to exclude from its borders everybody that its people believed was inimical or injurious to the welfare of its public.

The Senator from Massachusetts says that he does not intend that this bill shall pass without a protest. He goes back and says it is in principle the same as the great controversy before the war, and then he says that if it was not for the purpose of getting votes nobody here would be in favor of this bill. Mr. President, four years ago this matter was fully and freely discussed in the Senate, and public sentiment everywhere in the United States was almost unanimously with the friends of this bill; and I say to the Senator from Massachusetts that there is not a State in the Union, Massachusetts not excepted, that can be carried on the platform which he lays down by any political party or by them all. He who denies to his Government the right to say who shall land upon its shores denies the prerogative that is necessary to the existence, to the supremacy, to the welfare of a nation, and the nation is not worth preserving that does not exercise that right whenever the interest of its people demands its exercise.

Mr. President, it is not a question of sentiment; it is a practical question; it is a question whether the American laborer is to be put in competition with the four hundred and fifty millions of people on the Asiatic coast that can be landed on our shores for \$10 per head.

The honorable Senator from Kansas and the honorable Senator from Massachusetts are in favor, they tell us, of protecting American labor by means of revenue laws against the pauperized labor of Europe; but they deny our right to protect the American citizen and the American laborer against what is the more than pauperized labor of Asia. They deny the right to protect our laborers against a people who can come here and subsist on starvation wages. By many hundreds of years of training and of discipline, "the survival of the fittest" being applied to them, they are a people who, starved for centuries, can live upon that which every American citizen would go to the grave upon; they can live upon less food and with less clothing; they have neither houses nor homes, nor families. They come here in numbers to be brought into competition with our people; and when the men who are laboring in this country and looking for labor in vain complain that they are brought in competition with this class of servile labor, the

Senator from Kansas and the Senator from Massachusetts declare it is a disgrace to American civilization that we should by law do what they have asked us to do in the interest of the great manufacturing communities of the East. Protect labor they say, protect it against the intelligent Englishman, but do not protect it against the debased, the uneducated, and the servile Chinese!

Mr. President, nobody in this country has a greater admiration than I for the principle enunciated early that this should be the home of every man who desired to better his condition; but do these men come here for that purpose? Do they come here to make a home? Do they bring their wives? Do they raise their children? Do they participate in society? Do they do anything that goes to build up the nation? No; they are tramps coming here to take the bread from our own laborers, to destroy prosperity on the Pacific coast and all over the land, and the people who are to-day in want and in distress because of the stagnation in business appeal to us, and yet we are met with the cry that the great cause of humanity demands that they should starve and come in competition with men who can live upon what our people can not, that men who have neither houses nor homes nor families nor children in this country shall be preferred to those who are furnishing to this nation the bone and the sinew, the glory and the strength of the land, the men who labor.

Mr. President, I do not intend to sit here and listen quietly to either the Senator from Kansas or the Senator from Massachusetts hurling at me any imputations that I am less loyal to the principles of freedom than they. I believe I am as loyal to those principles as anybody. To all who come here to share the glories and advantages of this country, to become a part and parcel of it, I shall open broad the doors and welcome them, but for those who come here only that they may take of our wealth and return with it to another land, there to bestow it upon another people and upon a different civilization, I have no sympathy. No principle of humanity, no principle of freedom, no principle of generosity requires me to say that they are entitled to come either in great numbers or small numbers to our shores except as they come for the purpose I first mentioned.

Mr. SHERMAN. Mr. President—

Mr. RIDDLEBERGER. I ask the Senator from Ohio, inasmuch as I was mistaken, or led into a mistake, to yield to me that I may make my motion.

Mr. SHERMAN. Let me say a few words, and then I shall yield the floor.

Mr. RIDDLEBERGER. The time will go beyond the hour when we can have an executive session.

Mr. SHERMAN. I shall say but a few words.

I called up the bill to-day because of the advancing stage of the session. The bankruptcy bill was put over until next Tuesday, and it is likely that it will occupy a considerable part of the time. We know that we have all the appropriation bills to follow, with many other important measures which we must pass upon. I believe that this bill will be voted for by nine-tenths of the Senators present, and perhaps by all; I hope by all. It is a bill which has been carefully analyzed and examined by the Committee on Foreign Relations, who are familiar with the whole subject-matter. It was reported from that committee unanimously. The subject has been favorably treated in the other House in harmony with the present existing law.

I called the bill up by an arrangement, as the Senator from Kansas [Mr. INGALLS] termed it; that is, I requested the Senator from Nebraska [Mr. VAN WYCK] who had charge of the railroad-tax bill to allow me to take up the bill, and I also requested the Senator from Oregon [Mr. DOLPH] to yield the floor, stating that I hoped to pass the bill to-night. I do think it ought to pass to-night; but if any Senator wishes to discuss it further I shall not press it at this time; and the Senator from Kansas has already said that he desires to look into it. I do not desire to press it under those circumstances. I therefore ask that the bill may retain its place as a special order and I shall take some future opportunity to call it up, and then these gentlemen may make their speeches upon it. Probably next week I shall ask unanimous consent to consider it. I ask that an agreement be made that the bill shall retain its place as a special order.

The PRESIDING OFFICER. That will be the order if there be no objection. The Chair will remind the Senator from Ohio that a special order has been made for next Tuesday, the public land bill.

#### TAXATION OF RAILROAD-GRANT LANDS.

Mr. VAN WYCK. I ask that the bill which was under consideration before the Chinese bill was taken up may be laid before the Senate.

Mr. SHERMAN. Yes; the unfinished business is the bill with respect to taxing railroad lands.

Mr. HARRIS. It was informally laid aside.

Mr. RIDDLEBERGER. I made a suggestion a while ago in good faith, believing that the suggestion would be carried out. The Senator from Kansas has given notice that he will discuss the Chinese bill further. I therefore renew my motion that the Senate proceed to the consideration of executive business.

Mr. HOAR. Will the Senator from Virginia allow me to offer an amendment to the pending bill to be printed?

Mr. EDMUNDS. Pending the motion to proceed to the consideration of executive business, I move that the Senate do now adjourn.

Mr. RIDDLEBERGER. Will the Senator from Vermont yield for an instant before his motion is put? I wish to suggest that I shall ask the Senate to-morrow evening at a reasonable hour to proceed to the consideration of executive business.

Mr. HOAR. To-morrow has been set apart for another purpose.

Mr. RIDDLEBERGER. Then I shall ask that it be done at the next sitting of the Senate after to-morrow.

Mr. HOAR. The Senator from Vermont yields to me that I may submit an amendment to Senate bill 1812, which I move as an additional section to the bill. I ask that it may be received and considered as the pending amendment, and that it be printed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. EDMUNDS. Whether it will be the pending amendment depends upon whether another amendment is now up.

The PRESIDING OFFICER. The Chair hears no objection, and the amendment of the Senator from Massachusetts will be received as pending, and printed.

Mr. EDMUNDS. What is the pending bill now, may I ask?

The PRESIDING OFFICER. The pending bill will be read by its title.

The CHIEF CLERK. "A bill (S. 1812) to provide for the taxation of railroad-grant lands, and for other purposes."

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 27, 1886, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 26, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

#### TRANSPORTATION OF MINOR COIN.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, recommending an appropriation of \$5,000 for the transportation of minor coin; which was referred to the Committee on Appropriations, and ordered to be printed.

#### S. H. BRODNAX VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of order and findings of fact in that court in the case of S. H. Brodnax against the United States; which was referred to the Committee on War Claims.

#### MRS. MARIA HUNTER.

The SPEAKER also laid before the House the bill (H. R. 7167) for the relief of Mrs. Maria Hunter, with an amendment by the Senate.

Mr. SMALLS. I move that the House concur in the Senate amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, May 24, 1886.

Resolved, That the bill (H. R. 7167) do pass with the following amendment: In lines 5 and 6, strike out "\$600 per annum" and insert "\$50 per month."

The amendment was agreed to.

#### BILLS REFERRED.

The SPEAKER also laid before the House the bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes, with amendments by the Senate; which was referred to the Committee on Public Lands, and, with the amendment of the Senate, ordered to be printed.

The SPEAKER also laid before the House the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, with amendments by the Senate; which was referred to the Committee on Appropriations, and, with the Senate amendments, ordered to be printed.

The SPEAKER also laid before the House the following Senate bills; which were severally read twice, and referred as follows:

The bill (S. 859) granting a pension to Charlotte O'Neal—to the Committee on Invalid Pensions.

The bill (S. 2026) granting a pension to Wallis Pattee—to the Committee on Invalid Pensions.

The bill (S. 2075) granting a pension to Jackson Chapman—to the Committee on Invalid Pensions.

The bill (S. 2132) granting a pension to Fridoline Glastetter—to the Committee on Invalid Pensions.

The bill (S. 2180) granting an increase of pension to William Wallace Young—to the Committee on Invalid Pensions.

The bill (S. 2197) granting a pension to Henry Daner—to the Committee on Invalid Pensions.

The bill (S. 2198) granting a pension to Charles Brunbridge—to the Committee on Invalid Pensions.

The bill (S. 2118) for the relief of Lucy A. Washburn—to the Committee on Invalid Pensions.

The bill (S. 2220) granting a pension to James A. Mathes—to the Committee on Invalid Pensions.

The bill (S. 2228) granting a pension to Samuel F. Rowe—to the Committee on Invalid Pensions.

The bill (S. 2233) granting a pension to John P. McElroy—to the Committee on Invalid Pensions.

The bill (S. 1902) granting a pension to Mrs. Ann E. Lamburg—to the Committee on Invalid Pensions.

The bill (S. 2053) for the Relief of Chester A. Arthur and William H. Robertson, late collectors of customs of the district of the city of New York—to the Committee on Claims.

The bill (S. 2056) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service—to the Committee on Invalid Pensions.

The bill (S. 898) granting a pension to William A. Penfield—to the Committee on Invalid Pensions.

The bill (S. 1112) granting a pension to Phoebe H. Meech—to the Committee on Invalid Pensions.

The bill (S. 1181) granting a pension to Margaret E. Pierce—to the Committee on Invalid Pensions.

The bill (S. 1421) granting a pension to William H. Weaver—to the Committee on Invalid Pensions.

The bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler—to the Committee on Invalid Pensions.

The bill (S. 1493) for the relief of Jesse H. Strickland—to the Committee on Invalid Pensions.

The bill (S. 1626) granting a pension to John Reed, sr.—to the Committee on Invalid Pensions.

The bill (S. 1627) granting a pension to Mrs. M. C. Miles—to the Committee on Invalid Pensions.

The bill (S. 1635) granting a pension to John Rasler—to the Committee on Invalid Pensions.

The bill (S. 1642) granting a pension to William F. Harmon—to the Committee on Invalid Pensions.

The bill (S. 1654) granting a pension to Joseph Mays—to the Committee on Invalid Pensions.

The bill (S. 1673) granting a pension to Charles G. Paris—to the Committee on Invalid Pensions.

The bill (S. 1766) granting a pension to William Brentano—to the Committee on Invalid Pensions.

The bill (S. 1779) for the relief of John P. Taylor—to the Committee on Invalid Pensions.

The bill (S. 1783) granting an increase of pension to George Bliss—to the Committee on Invalid Pensions.

The bill (S. 1844) granting a pension to Orrin P. Cooley—to the Committee on Invalid Pensions.

The bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide—to the Committee on Invalid Pensions.

The bill (S. 1853) granting a pension to Isabella Jessup—to the Committee on Invalid Pensions.

The bill (S. 1960) granting a pension to James W. McCroskey—to the Committee on Invalid Pensions.

The bill (S. 1999) to establish an additional land district in the State of Oregon—to the Committee on the Public Lands.

The bill (S. 2009) granting a pension to David A. Ireland—to the Committee on Invalid Pensions.

The bill (S. 2028) granting a pension to E. S. Bishop—to the Committee on Invalid Pensions.

The bill (S. 2039) granting a pension to Ira Miller—to the Committee on Invalid Pensions.

The bill (S. 2046) granting a pension to Elizabeth Marshall—to the Committee on Invalid Pensions.

The bill (S. 2098) for the relief of Rosella E. Hibbert—to the Committee on Invalid Pensions.

The bill (S. 2111) granting a pension to Jacob Smith—to the Committee on Invalid Pensions.

The bill (S. 2129) granting an increase of pension to John W. Wills—to the Committee on Invalid Pensions.

The bill (S. 2130) granting an increase of pension to John C. Miles—to the Committee on Invalid Pensions.

The bill (S. 2147) granting a pension to George Faulk—to the Committee on Invalid Pensions.

The bill (S. 2151) to pension Bartola Thebant, a soldier in the Florida Seminole Indian war of 1849 and 1850—to the Committee on Pensions.

The bill (S. 2159) granting a pension to Mrs. Almira Ambler—to the Committee on Invalid Pensions.

The bill (S. 2160) granting a pension to Mary J. Hagerman—to the Committee on Invalid Pensions.

The bill (S. 2163) granting a pension to Powhattan B. Short—to the Committee on Invalid Pensions.

The bill (S. 2183) granting a pension to Hiram R. Ellis—to the Committee on Invalid Pensions.

The bill (S. 2229) for the relief of William C. Shimonech—to the Committee on Invalid Pensions.

The bill (S. 2253) granting a pension to Elizabeth Sirwell—to the Committee on Invalid Pensions.

The bill (S. 2255) granting a pension to Patrick Finagan—to the Committee on Invalid Pensions.

The bill (S. 2333) granting a pension to Byron R. McIntyre—to the Committee on Invalid Pensions.

The bill (S. 2334) granting a pension to Isaac Ransom—to the Committee on Invalid Pensions.

The bill (S. 2335) for the relief of the heirs of Malitty Rose—to the Committee on Claims.

#### REPORT ON ALASKA.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

*Resolved by the Senate of the United States (the House of Representatives concurring).* That the report on Alaska by E. W. Nelson be printed, with the necessary illustrations, and that 4,000 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

#### REPORT OF COMMISSIONER OF LABOR.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

*Resolved by the Senate of the United States (the House of Representatives concurring).* That 30,000 additional copies of the first annual report of the Commissioner of the Bureau of Labor be printed; 8,000 for the use of the Senate, 16,000 for the use of the House of Representatives, and 6,000 for the use of the Commissioner of said bureau.

#### FORTIFICATIONS AND COAST DEFENSES.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

*Resolved by the Senate of the United States (the House of Representatives concurring).* That 7,500 additional copies of the report of the board of fortifications and other coast defenses be printed; 2,000 for the use of the Senate, 4,000 for the use of the House of Representatives, 500 for the War Department, and 1,000 for the Navy Department.

#### BILL RETURNED TO SENATE.

The SPEAKER also laid before the House the following request:

IN THE SENATE OF THE UNITED STATES, May 25, 1886.

*Ordered,* That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 356) granting a pension to Samuel Hanson.

There was no objection, and it was so ordered.

#### LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. RICE, for one week, on account of important business.

To Mr. REID, of North Carolina, indefinitely, on account of important business.

To Mr. GLOVER, for ten days, on account of important business.

To Mr. BINGHAM, for the remainder of this week, on account of important business.

#### ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled Senate bills of the following titles; when the Speaker signed the same:

A bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;"

A bill (S. 327) granting a pension to James O'Shea;

A bill (S. 767) for the relief of John Leathers;

A bill (S. 788) granting a pension to John L. Bruce;

A bill (S. 789) granting a pension to John S. Williams;

A bill (S. 895) granting a pension to Rachel Flemming Cellar;

A bill (S. 1124) granting a pension to William Bethuren;

A bill (S. 1169) granting a pension to John S. Bridges;

A bill (S. 1235) granting an increase of pension to Joseph W. Rhinehalt;

A bill (S. 1257) granting a pension to Henry Shively;

A bill (S. 1348) granting a pension to Sarah E. Henry;

A bill (S. 1357) granting a pension to Sarah A. Thomas;

A bill (S. 1726) granting a pension to Augustus Fields Stevens;

A bill (S. 1770) granting a pension to J. H. Thornburg;

A bill (S. 2022) granting an increase of pension to Mrs. Hattie A. Burnett; and

A bill (S. 2136) for the relief of Edward Fenlon.

Mr. NEECE, from the Committee on Enrolled Bills, also reported that they had examined and found duly enrolled House bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3753) granting a pension to John D. James;



A bill (H. R. 3778) granting an increase of pension to Alonzo Maynard;

A bill (H. R. 6502) granting a pension to Lucy Ann Drew;  
 A bill (H. R. 4884) granting a pension to Rose A. McManus;  
 A bill (H. R. 3321) for the relief of Samuel C. Fisher;  
 A bill (H. R. 3741) granting a pension to Emeline Roberts;  
 A bill (H. R. 4905) granting a pension to Aaron C. Johnson;  
 A bill (H. R. 4903) granting a pension to Christian Smarzo;  
 A bill (H. R. 4134) for the relief of Margaret Callanan;  
 A bill (H. R. 4977) granting a pension to James N. Hair;  
 A bill (H. R. 2070) granting a pension to William Paugh;  
 A bill (H. R. 5789) to amend section 2552 of the Revised Statutes of the United States;

A bill (H. R. 1252) granting a pension to Eugenia A. Smalley;  
 A bill (H. R. 1106) granting a pension to Mary B. Carl;  
 A bill (H. R. 601) granting a pension to Alonzo V. Richards;  
 A bill (H. R. 556) granting a pension to Bridget Sherlock;  
 A bill (H. R. 699) granting a pension to Mrs. Honorah Maloney;  
 A bill (H. R. 4586) for the relief of Nathan Hildabrant;  
 A bill (H. R. 607) granting a pension to Jannet E. B. Smith;  
 A bill (H. R. 3287) for the relief of Silas Corzatt;  
 A bill (H. R. 473) granting a pension to William Boone;  
 A bill (H. R. 5085) for the relief of Mary Hill;  
 A bill (H. R. 5655) granting a pension to Elizabeth B. Bell;  
 A bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes;

A bill (H. R. 5937) granting a pension to Sarah Gregg; and  
 A bill (H. R. 7519) to increase the pension of Isaac N. Hawkins.

#### FREE SHIP BILL.

Mr. HAMMOND. Mr. Speaker, by an order of the House adopted some weeks ago, the previous question was to be considered as ordered at 4 o'clock to-day on the free-ship bill, which was partly argued on each side on Saturday last, and for the consideration of which yesterday and to-day were set apart. After consultation with the chairman of the committee [Mr. DUNN], the gentleman from Maine [Mr. DINGLEY], and the gentleman from Missouri [Mr. HATCH], who has charge of the business now pending, I ask to submit for present consideration the resolution which I send to the desk.

The SPEAKER. The gentleman from Georgia asks unanimous consent to submit for immediate consideration a resolution which will be read.

The Clerk read as follows:

Whereas the House has devoted yesterday, and wishes to devote this day, to business other than House bill 7219, commonly known as "the free-ship bill," which was set for those days by a previous order:

Resolved, That said order be a continuous order, but for one day only, to begin immediately after the reading of the Journal, and that the previous question be considered as ordered at 4 o'clock p. m. of that day.

Mr. O'NEILL, of Pennsylvania, and others. What day?

Mr. HAMMOND. There is no day fixed. We will accommodate ourselves to other matters.

Mr. HATCH. I think the proposition of the gentleman from Georgia is eminently fair and proper.

The SPEAKER. Is there objection?

Mr. BRAGG. I object. I will state to the gentleman from Georgia the ground of my objection. The previous order in reference to this bill operated only after the call of committees for the consideration of bills, and the Committee on Military Affairs will be next called during that consideration hour.

Mr. HAMMOND. But we give up one day to which we were entitled under the previous order. We will not interfere with the business of the gentleman's committee.

Mr. BRAGG. With that understanding I am willing to withdraw the objection.

Mr. HAMMOND. Mr. Speaker, the objection is withdrawn.

Mr. COBB. I object.

Mr. DUNHAM. I wish to say that I agree with the gentleman from Missouri that this is an eminently fair proposition.

Subsequently the following proceedings took place:

Mr. HAMMOND. The gentleman from Indiana [Mr. COBB] now desires to withdraw his objection.

Mr. COBB. I do so, with the understanding between the gentleman and myself that he will not interfere with the land-grant forfeiture bills.

The SPEAKER. Is there further objection?

Mr. TOWNSHEND. Let the resolution be read.

The SPEAKER. It has been read, but if there be no objection the Clerk will report it again.

The resolution was again read.

Mr. TOWNSHEND. Does that interfere with the consideration of appropriation bills?

Mr. HAMMOND. No; it will not.

The SPEAKER. The resolution reads "immediately after the reading of the Journal."

Mr. DUNHAM. By the terms of the order it might interfere with appropriation bills.

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

There being no objection, the House proceeded to consider the resolution; and it was agreed to.

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

The latter motion was agreed to.

#### POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I rise to make a privileged report, which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 5887, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, having met, after full and free conference have been unable to agree.

JAMES H. BLOUNT,  
 J. M. RIGGS,  
 HENRY H. BINGHAM,  
*Managers on the part of the House.*  
 P. B. PLUMB,  
 JAMES B. BECK,  
 WILLIAM MAHONE,  
*Managers on the part of the Senate.*

Mr. BLOUNT. I move that this report be accepted.

The SPEAKER. If there be no objection the report will be accepted.

There was no objection.

Mr. BLOUNT. I move that the House insist on its disagreement to the amendments of the Senate, and request a further conference.

The SPEAKER. If there is no objection that order will be made. The Chair hears none.

#### ORDER OF BUSINESS.

Several members called for the regular order.

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

#### WHARTON'S DIGEST OF INTERNATIONAL LAW.

Mr. COX, from the Committee on Foreign Relations, reported a joint resolution (H. R. 178) to print Wharton's Digest of International Law; 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.

#### INCREASE OF NAVAL ESTABLISHMENT.

Mr. HERBERT, from the Committee on Naval Affairs, reported back favorably a 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 the accompanying report ordered to be printed.

#### CLARA L. PREUSS.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 921) granting a pension to Clara L. Preuss; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

#### CHARLES RIDDLE.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6952) granting a pension to Charles Riddle; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

#### JAMES F. SALYERS.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3948) granting a pension to James F. Salyers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

#### THOMAS S. DUVALL.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 887) granting a pension to Thomas S. Duvall; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

#### JOSIAH MAHONEY.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4265) granting a pension to Josiah Mahoney; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

#### MARY RENFRO.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2358) granting a pension to Mary Renfro; which was referred to the Committee of the Whole House on

the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB S. BIDDLE.

Mr. CAMPBELL, of Pennsylvania, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABEL MISHLER, OF PENNSYLVANIA.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD COLEMAN.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8351) for the relief of Edward Coleman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE WATERS.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 325) granting a pension to Catharine Waters; which were referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. NEECE, from the Committee on Invalid Pensions, 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. 7460) for the relief of Barnet S. Van Buren; and
- A bill (H. R. 5944) for the relief Daniel Lannon.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue; and pending that motion, I move that all general debate on the pending bill be limited to one minute.

Mr. DUNHAM. I move to strike out "one minute" and insert "two hours."

Mr. BRECKINRIDGE, of Arkansas. And I move an amendment to the amendment, to insert "four hours" instead of "two hours." The amendment to the amendment was disagreed to.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. My parliamentary inquiry is this: Have gentlemen who have exhausted themselves on this subject already the right to vote on this question? [Laughter.]

The SPEAKER. The Chair thinks they have.

Mr. BROWNE, of Indiana. Are they not interested under the rules? [Renewed laughter.]

The question recurred on Mr. DUNHAM's amendment.

The House divided; and there were—ayes 47, noes 83.

Mr. DUNHAM. As this is an important question I think we should have a quorum.

The SPEAKER. The gentleman from Illinois makes the point of no quorum; and the Chair will appoint Mr. DUNHAM and Mr. HATCH as tellers.

The House again divided; and the tellers reported—ayes 48, noes 117. So the amendment was disagreed to.

Mr. HATCH. I demand the previous question on my motion to close the general debate in one minute.

Mr. BROWNE, of Indiana. I demand a division.

The House divided; and there were—ayes 98, noes 20.

Mr. BROWNE, of Indiana. I make the point of no quorum unless the gentleman will allow me to move an amendment limiting debate to one hour.

Mr. HATCH. Regular order.

The SPEAKER appointed as tellers Mr. BROWNE, of Indiana, and Mr. HATCH.

The House again divided; and the tellers reported—ayes 117—

Mr. DUNHAM. It is announced that no quorum is voting, and I would ask whether it is in order for me to move there be a call of the House?

The SPEAKER. The House is dividing and the announcement has not yet been made.

Mr. DUNHAM. I understood the announcement to be made that no quorum had voted.

The SPEAKER. There has been no formal announcement of the vote. The tellers report—ayes 149, noes 7; no quorum.

Mr. DUNHAM. I move there be a call of the House.

Mr. HATCH. At the same time I demand the yeas and nays on my motion.

The SPEAKER. Does the gentleman from Illinois insist on his motion that there be a call of the House?

Mr. DUNHAM. I do.

The motion was disagreed to.

Mr. HATCH. I insist on my demand for the yeas and nays on my motion to close debate in one minute.

The question was taken; and it was decided in the affirmative—yeas 181, nays 54, not voting 87; as follows:

YEAS—181.

- |                   |                  |             |                   |
|-------------------|------------------|-------------|-------------------|
| Adams, J. J.      | Eldredge,        | Laffoon,    | Rowell,           |
| Allen, C. H.      | Ermentrout,      | Landes,     | Ryan,             |
| Allen, J. M.      | Everhart,        | Libbey,     | Sadler,           |
| Anderson, C. M.   | Farquhar,        | Lindsey,    | Sawyer,           |
| Anderson, J. A.   | Findlay,         | Louttit,    | Scott,            |
| Atkinson,         | Fleeger,         | Lovering,   | Scranton,         |
| Ballentine,       | Ford,            | Lowry,      | Seney,            |
| Barbour,          | Forney,          | Lyman,      | Sessions,         |
| Barksdale,        | Frederick,       | Martin,     | Seymour,          |
| Barry,            | Fuller,          | McAdoo,     | Shaw,             |
| Bayne,            | Gallinger,       | McCreary,   | Singleton,        |
| Beach,            | Gibson, Eustace  | McKenna,    | Skinner,          |
| Bennett,          | Glass,           | McKinley,   | Smalls,           |
| Bland,            | Goff,            | Merriman,   | Sowden,           |
| Bound,            | Green, W. J.     | Millard,    | Springer,         |
| Boutelle,         | Grosvenor,       | Milliken,   | Stallnecker,      |
| Boyle,            | Grout,           | Moffatt,    | Stephenson,       |
| Brady,            | Hale,            | Morgan,     | Stewart, Charles  |
| Bragg,            | Hall,            | Morrill,    | Stewart, J. W.    |
| Breckinridge, WCP | Halsell,         | Morrow,     | Stone, E. F.      |
| Buchanan,         | Hammond,         | Neal,       | Stone, W. J., Ky. |
| Bunnell,          | Harris,          | Neece,      | Storm,            |
| Burrows,          | Hatch,           | Negley,     | Strait,           |
| Butterworth,      | Heard,           | Nelson,     | Struble,          |
| Caldwell,         | Henderson, D. B. | Norwood,    | Swope,            |
| Campbell, Felix   | Henderson, J. S. | O'Ferrall,  | Symes,            |
| Campbell, J. M.   | Henderson, T. J. | Osborne,    | Tarnsey,          |
| Candler,          | Hepburn,         | Owen,       | Taylor, I. H.     |
| Cannon,           | Herman,          | Parker,     | Taylor, J. M.     |
| Carleton,         | Hewitt,          | Payne,      | Taylor, Zach.     |
| Cobb,             | Hiestand,        | Payson,     | Thomas, O. B.     |
| Comstock,         | Hill,            | Peel,       | Wade,             |
| Conger,           | Hires,           | Perkins,    | Wakefield,        |
| Cooper,           | Hiscock,         | Peters,     | Ward, T. B.       |
| Cowles,           | Hitt,            | Pettibone,  | Weaver, A. J.     |
| Crisp,            | Holman,          | Phelps,     | Weaver, J. B.     |
| Croxton,          | Hopkins,         | Pidcock,    | Weber,            |
| Curtin,           | Howard,          | Plumb,      | Wheeler,          |
| Cutcheon,         | Hudd,            | Price,      | White, A. C.      |
| Dawson,           | Jackson,         | Randall,    | White, Milo       |
| Dockery,          | James,           | Reagan,     | Whiting,          |
| Dorsey,           | Johnston, J. T.  | Reese,      | Wilkins,          |
| Dougherty,        | Johnston, T. D.  | Richardson, | Wolford,          |
| Dowdney,          | Ketcham,         | Riggs,      | Worthington.      |
| Dunn,             | King,            | Rockwell,   |                   |
|                   | Kleiner,         | Romeis,     |                   |

NAYS—54.

- |                     |                    |                  |                 |
|---------------------|--------------------|------------------|-----------------|
| Adams, G. E.        | Dargan,            | Lehlbach,        | Throckmorton,   |
| Barnes,             | Davidson, R. H. M. | Mahoney,         | Tillman,        |
| Blanchard,          | Punham,            | McMillin,        | Townshend,      |
| Bliss,              | Gay,               | McRae,           | Tucker,         |
| Blount,             | Geddes,            | Miller,          | Turner,         |
| Breckinridge, C. R. | Hemphill,          | Morrison,        | Van Eaton,      |
| Browne, T. M.       | Herbert,           | Oates,           | Wadsworth,      |
| Brown, C. E.        | Irion,             | O'Neill, Charles | Warner, William |
| Brown, W. W.        | Johnson, F. A.     | Outhwaite,       | Wellborn,       |
| Brumm,              | Jones, J. H.       | Perry,           | Wilson,         |
| Cabell,             | Kelley,            | Sayers,          | Wise,           |
| Catchings,          | La Follette,       | Spooner,         | Woodburn.       |
| Culbertson,         | Lanham,            | St. Martin,      |                 |
| Daniel,             | Lawler,            | Taulbee,         |                 |

NOT VOTING—87.

- |                 |               |                |                   |
|-----------------|---------------|----------------|-------------------|
| Aiken,          | Dingley,      | Jones, J. T.   | Rice,             |
| Arnot,          | Eden,         | Laird,         | Robertson,        |
| Baker,          | Ellsberry,    | Le Fevre,      | Rogers,           |
| Belmont,        | Ely,          | Little,        | Snyder,           |
| Bingham,        | Evans,        | Long,          | Spriggs,          |
| Buck,           | Felton,       | Lore,          | Steele,           |
| Burleigh,       | Fisher,       | Markham,       | Stone, W. J., Mo. |
| Burnes,         | Foran,        | Matson,        | Swinburne,        |
| Bynum,          | Funston,      | Maybury,       | Taylor, E. B.     |
| Campbell, J. E. | Gibson, C. H. | McComas,       | Thomas, J. R.     |
| Campbell, T. J. | Gilfillan,    | Mills,         | Thompson,         |
| Caswell,        | Glover,       | Mitchell,      | Trigg,            |
| Clardy,         | Green, R. S.  | Muller,        | Van Schaick,      |
| Clements,       | Guenther,     | Murphy,        | Viele,            |
| Cole,           | Hanback,      | O'Donnell,     | Wait,             |
| Collins,        | Harmer,       | O'Hara,        | Ward, J. H.       |
| Compton,        | Hayden,       | O'Neill, J. J. | Warner, A. J.     |
| Crain,          | Haynes,       | Pindar,        | West,             |
| Davenport,      | Henley,       | Pirce,         | Willis,           |
| Davidson, A. C. | Holmes,       | Ranney,        | Winans.           |
| Davis,          | Houk,         | Reed, T. B.    |                   |
| Dibble,         | Hutton,       | Reid, J. W.    |                   |

So the previous question was ordered.

On motion of Mr. RICHARDSON, by unanimous consent the reading of the names was dispensed with.

The following gentlemen were announced as being paired on all political questions until further notice:

- Mr. CAMPBELL, of Ohio, with Mr. GUENTHER.
- Mr. REID, of North Carolina, with Mr. RICE.
- Mr. CLEMENTS with Mr. HOLMES.
- Mr. BURNES with Mr. CASWELL.
- Mr. GIBSON, of Maryland, with Mr. HAYDEN.
- Mr. HUTTON with Mr. PIRCE.
- Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.
- Mr. WAIT with Mr. EDEN.
- Mr. BYNUM with Mr. MCKENNA.

On the oleomargarine bill:

Mr. WINANS with Mr. HOUK.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. JONES with Mr. BURLEIGH.

Mr. ROBERTSON with Mr. ELY.

Mr. FORAN with Mr. LONG.

Mr. ROGERS with Mr. EZRA B. TAYLOR.

Mr. CALDWELL with Mr. BAKER.

Mr. DIBBLE with Mr. LITTLE, until further notice; also upon this bill. If present, Mr. DIBBLE would vote "no" on the bill.

Mr. ARNOT with Mr. DAVIS, until further notice. If present, Mr. ARNOT would vote for, and Mr. DAVIS against, the pending bill.

Mr. TRIGG with Mr. BINGHAM, for this day.

Mr. GREEN, of New Jersey, with Mr. BUCK.

Mr. MULLER with Mr. DAVENPORT.

Mr. CRAIN with Mr. MARKHAM.

Mr. WARNER, of Ohio, with Mr. KETCHAM.

Mr. PINDAR with Mr. MITCHELL, on this bill. If present, Mr. PINDAR would vote "ay," Mr. MITCHELL "no."

Mr. ELY. I wish to state, Mr. Speaker, that if not paired I should have voted "ay" on this question.

The result of the vote was then announced as above recorded.

The question recurring on the motion to limit general debate to one minute, the motion was agreed to.

Mr. HATCH. Before the motion is put that the House go into Committee of the Whole I desire to ask unanimous consent that gentlemen who desire to do so may have leave to print in the RECORD upon this bill.

There was no objection, and it was so ordered.

#### IMITATION DAIRY PRODUCTS.

The motion that the House resolve itself into Committee of the Whole was then agreed to.

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

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills for raising revenue. The business under consideration is the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine. By order of the House, all general debate upon the bill is limited to one minute.

Mr. HATCH. I present a telegram which I send to the desk, and ask to have read as a reply to the telegram forwarded to the Clerk's desk by the gentleman from Illinois [Mr. DUNHAM] yesterday.

The Clerk read as follows:

CHICAGO, May 26, 1886.

Col. W. W. HATCH,

House of Representatives:

Protest of several hundred members Chicago Board of Trade against action of directory favoring bogus butter mailed you last night. More to come.

R. M. LITTLE.

The CHAIRMAN. The Clerk will report the bill by sections.

The Clerk read as follows:

*Be it enacted, &c.,* That for the purposes of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

Mr. BAYNE addressed the Chair.

Mr. BROWN, of Pennsylvania. Are amendments now in order?

The CHAIRMAN. The Chair has recognized the gentleman from Pennsylvania on the left [Mr. BAYNE].

Mr. BAYNE. I move to strike out the last word.

Mr. Chairman, I do not want the attitude of Pennsylvania misunderstood with reference to this bill. In my own district there are large manufacturing establishments of butterine, and very worthy people are engaged in that branch of manufacture. But while that is true, I believe the voice of my district and my State is in favor of protecting the dairy interests of this country against competition with this pretended substitute for one of their chief products.

Pennsylvania is the second largest butter-producing State in the Union. New York comes first with 111,000,000 pounds annual production; Pennsylvania comes next, with over 79,000,000 pounds; the State of Ohio comes next, with, I believe, about 67,000,000 pounds, and Iowa next, with about 55,000,000 pounds. It will be seen, therefore, that the great State of Pennsylvania has a larger interest in protecting her dairy products than any other State in the Union, except alone the State of New York.

Now, sir, I believe it to be a high duty to protect the agricultural industries from unfair rivals from within or from without; and I believe it to be our duty to protect the consumers of the country from impositions subject to constitutional jurisdiction. If this bill is to be effective the duty or tax of 10 cents per pound upon this product should be maintained. If it be reduced to 1 cent or to 2 cents per pound, or any much less rate than that named in the bill, I believe the result will be that this butterine or oleomargarine will go upon the tables of the people in spite of law, and that the consumer will not be protected, although the dairy interests may measurably be. I want to have both

the dairy interests and the consumers of the country protected from this imposition.

We have heard much of the constitutional aspects of the question presented by this bill from the gentleman from Georgia [Mr. HAMMOND], the gentleman from Texas [Mr. REAGAN], the gentleman from Arkansas [Mr. DUNN], and the gentleman from Virginia [Mr. TUCKER], each of whom has invoked the inhibitions of the Constitution of the United States against the passage of the bill, and each one of whom has lectured the House, this side of the House especially, because they almost unanimously support this measure.

Why, sir, should a lecture come from those gentlemen? It is but a short time ago when each one of those gentlemen regarded this very Constitution as a rope of sand that might be broken at the will of a sovereign State, while we on this side of the Chamber regarded it as a band of steel uniting all sections of the country in indissoluble union, that could not be broken by any means whatever.

I claim that section 8 of Article I of the Constitution empowers us to levy this tax, not only for the purpose of raising revenue, but for the purpose of fostering the dairy interests of the country, or for the purpose of protecting the consumers of the country against imposition or fraud. In other words, I claim that under the Constitution you may levy a tax to protect and to encourage and to foster the industries of this country, and to promote the general welfare; and whatever sticklers for the Constitution may say, that principle has been asserted from the beginning by the friends of the Constitution, and was decided most emphatically by the arbitrament of arms; because that was the question involved in our great civil contest.

And I am glad to observe the accessions to the ranks of the protectionists which the promotion of this bill is evolving. The purpose of this bill is to protect the dairymen and the consumers, and I, as a protectionist of all the industries of the country, gladly welcome our new friends.

I do not anticipate any troublesome amount of revenue from this measure. We do not want revenue. Nor do I wish to extinguish the business of the manufacturers of oleomargarine. I desire, however, that they may succeed in building up a large export trade. It is claimed by a good many people that we need foreign markets for our surplus products. I should like to have oleomargarine find a foreign market. It will suit the South American States. It is less liable, I am told, to become rancid than genuine butter. If that be so, the South American States, having a warm climate and people with not overrefined tastes, are the natural markets for this product.

But we have been told that the workingmen and working women will be the sufferers from this tax. That is a mistake. It has been shown by one of the gentlemen [Mr. PRICE] of the Committee on Agriculture that the price of butter has gone up; but the number of dairies has run down since the production in large quantities of oleomargarine. The simple truth is, that the oleomargarine business is driving the dairy business out of existence. It is a slow operation, but a sure one; and it is analogous to the financial axiom that bad money will drive out good money. After the large manufacturers of this product would get control of the market they could and would fix prices to suit themselves. The man, therefore, who says that this bill is inimical to the working people misapprehends the situation. Besides, are not the dairymen, the farmers, working people? They compose upward of 60 per cent. of our working people, and no people work harder. Shall they be deprived of the opportunity of producing the 800,000,000 pounds of butter that now yearly comes from their hands?

I say no, and the workingmen and working women in all the trades and branches of industry will say no.

But why should this argument be used at all by the opponents of this bill? Is it supposed that the working people will prefer oleomargarine to genuine butter? Are not their palates just as sensitive as that of the man of large means?

The workingmen of Pennsylvania, whether in the field or in the mill or in the mine, will not thank their self-constituted advocates for maintaining such position.

Let us have genuine butter, genuine dollars, and genuine dealings in all things.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. Mr. Chairman, this is the first time, within my experience at least, where protection has been invoked in favor of one domestic industry against another.

Mr. MORRISON. Oh, Lord! that is what it is all for.

Mr. BROWNE, of Indiana. I am a protectionist, but I have been, so far as my votes are concerned, in favor of protecting American industries against the invasion of the foreign products of cheap labor. Now, if this bill be intended simply to raise revenue, no man, I presume, will question its constitutionality. Is that its purpose? Will any gentleman who favors it assert it to be such? Why, sir, if that is its object, why impose a tax of 10 cents a pound on oleomargarine? Is it necessary? Has it been demanded? Has anybody petitioned for it with that view? Do the gentlemen who advocate the measure believe it to be a revenue measure? Are they not proceeding, so far as that is concerned, upon false pretenses? Certainly; nobody doubts it. How then is it? Is it for the purpose of protecting the consumer from a

spurious article? Certainly not; because it does not discriminate between that which is clean and pure and healthy and a lawful food product and that which is deleterious to the public health.

Does any gentleman upon this floor controvert the proposition so abundantly established that oleomargarine may be made pure, and clean, and healthful, and that it is a food product which people may lawfully make and buy; that when used is not injurious to individual health? Does anybody doubt it? If that be true, why is it, if gentlemen are simply concerned about the protection of the public health and the protection of the consumer from buying a spurious or deleterious article—why is it that the tax is not imposed upon that which is uncleanly or unhealthful?

Why is it that you propose to tax out of existence an article that may be legally made and that is lawful, an industry that is legal, an industry in which the people or some portion of them are legally engaged, an industry in which the people or a portion of them have invested their capital? Why is it you propose to tax it in the interest of other industries which are simply healthful and lawful and produce an article which is a legitimate article of commerce? Why is it, gentlemen, that you do not make this discrimination? For the reason, I apprehend, that you desire to destroy an industry. Oh, but it is said you desire to give the people an opportunity of knowing what they buy! You do not want them deluded into the belief that they are buying butter when they are buying butterine or oleomargarine.

Now, if that be the purpose of this bill I am willing to assist in its passage. But if that be your purpose how does it become necessary that you should impose a tax of 10 cents a pound on every pound that may be manufactured? How does it happen that it becomes necessary to impose the enormous license of \$600 on every manufacturer and \$480 on those who engage in the wholesale business and \$48 on those who engage in the retail business?

Oh, you say it is in the line of other taxation. Do we not tax whisky, that costs but 20 cents a gallon in its production, 90 cents? But let me ask you, gentlemen, what American industry is in competition with the whisky industry? What production do you tax out of existence when you impose the tax of 90 cents a gallon on whisky? Is there something else which rises up in competition with it? Name it. Why do we find it necessary to raise revenue by the imposition of this whisky tax? It is, so far as I am concerned, because the revenue is needed, and on the other hand because the article is not a food product but a luxury, the use of which may be dispensed with without injury, whereas if the people desire to buy oleomargarine and butterine, a pure and honest article, in the name of God, personal liberty, and the Constitution have they not the right to buy it?

[Here the hammer fell.]

Mr. GREEN, of North Carolina. Mr. Chairman, as one of the subcommittee of three to which was delegated the duty of draughting the bill under consideration, and which may therefore be regarded as its sponsor, I deem it duty to myself and to the bill to say a word in its behalf.

Starting out with the broad assumption that if a thing is not what it purports to be it is a counterfeit and a fraud, my line of argument will be mainly directed against oleomargarine as filling the bill as such, trusting that the propriety of its suppression, or limitation at least within reasonable bounds, will naturally suggest itself to every honest mind. What is butter? The bill defines it. Will any assert that it can be made out of other substance than cream or milk or both combined? If not, then the resulting product of other substance or combination purporting to be such is a fraud, and should be within the reach of the law no less than a piece of base metal with the Government's impress upon it which claims to be one of Brother Bland's 412½-grain silver dollars.

Let it remove its cap of claim, and my objection to the vile stuff is withdrawn. For I recognize every one's right to eat what he pleases as fully as I claim for myself the correlative right not to eat what I do not please, not to have forced upon me as a genuine article that which my stomach loathes and abominates. But, sir, in this and kindred cases that claim will never be abated except under legal compulsion. Do you ask the reason why? My reply is that the temptation to hold on is more than mercenary greed will willingly surrender. Is it clean, is it pure, is it healthy? Of course public repute and general belief is the basis of verdict. So far, however, from eating it myself, Mr. Chairman, after an insight into the mystery of its manufacture by evidence satisfactory to me I would scruple to give it to my dog. Still I in no wise doubt that I have eaten it time and again under the fond delusion that it was the genuine lacteal derivative, for by trick of chemist detection is almost impossible by taste. Does that militate against objection urged? No; a thousand times no!

I care not how perfect the deception, it is none the less an imposition on dairyman and consumer. Nay, the more perfect the one the greater the other. For, sir, as perfection attains in its manufacture, the easier it is by deodorizing trickery and discoloring process to convert the most repulsive and disgusting ingredients into milk-white lard or kindred substance, and this in turn into most approved oleomargarine, butterine, stearine, or bullerine.

If it is not so, why did not these gentry appear before the Agricult-

ural Committee and make refutation that such things were either possible or at all events practiced? The committee doors were thrown wide open to both sides, and they knew full well that such allegations would be brought. Instead, however, of making their fight there, for reasons best known to themselves they preferred to come before the Committee of the Whole, and under the plea of injured innocence to inundate us with taunts of invidious taxation and protests of boards of trade reflecting upon the committee.

In this connection permit me to say that no measure ever left a committee of this House after a more patient hearing, a more thorough endeavor to arrive at the bottom facts, and a more unanimous indorsement of every clause and provision contained.

True, it was only the Agricultural Committee, unhonored by membership of any great constitutional lawyer, but actuated by laudable purpose and with an eye single to the interests of the great farming class of the land, whose interests it was supposed to have in hand. Representatives of that honorable class from almost every quarter of our great country appeared before us either in person or by proxy or petition, and never was there more unanimity of sentiment in demand of salutary legislation. But no sooner is the bill brought on the floor than it meets the hue and cry of class legislation. Unfortunately, Mr. Chairman, class legislation is no new thing to our statute-book; but alas, it has almost ever been legislation against the class which I represent, and the one my committee represents.

Such, not to speak of our infamous tariff laws of recent years, was the tax on cotton, the tax on tobacco, the tax on the fruits of the earth, and the grain thereof when converted into liquid commodities. Class legislation forsooth! Point me to the tax law this quarter of a century bygone that has not been class legislation, deliberately planned and systematically framed, it would seem, to inure to the detriment of the great controlling but much-enduring class—the class to which I belong—the farming class of the land. I crave pardon, Mr. Chairman; there was a short-lived tax on lordly incomes, but it worked hardship on the commercial millionaire class and so it was set aside.

How long are we to be regaled with this nauseating plea when measures of relief for counter-class comes up? Sir, there is not a more uncompromising stickler for "strict construction" on or off this floor than I claim to be; but I am tired of having my guild construed into drudges and their hard earnings into the national coffers, or worse still, a thousand times worse, into the pockets of moneyed upstarts who spin cotton and roll steel and iron, and reveling in ill-begotten superabundance, sneer upon the farmer class and flaunt their poverty in their face.

And now, when he asks for this poor modicum of relief, when he craves with modest mien that this great, ay, taken in the aggregate this greatest, branch of agricultural industry may not be "swallowed up and lost

In the wide womb of uncreated night,  
Devoid of sense and being,

he is met with the hackneyed and stereotyped cry of class legislation and constitutional infraction. Down with such sophistry; to the dogs with such quibbling.

The opponents of the measure, driven to the wall to find a peg on which to hang their constitutional objection, undertake to sift the motives of its friends. I humbly submit is it fair or ingenious warfare? Does it not confer corresponding right on us to do the same with theirs? Taxation not the motive of the measure, but annihilation, they say.

On yesterday we were regaled with the millennium spectacle of the pig-iron lion of Pennsylvania and the free-trade lamb of Virginia (perhaps I should say free-wool lamb) lying down together in blissful accord, scratching each other's back and making love speeches, "*quam familiariter*." Politics, it is said, make strange bed-fellows, and here we see it. Ye gods and little fishes, but it was a delicious sight!

But, sir, might we not with equal right intimate that the gentleman from Pennsylvania and his protection following object to seeing taxes levied on legitimately taxable articles, frauds, or luxuries, as he may prefer to class bogus butters, for fear that additional revenue from this source may justify or require a let-up on plowshares, tin pans, domestics, and blankets, not to mention some thousand or two other articles of every day use and prime necessity?

Might we not in like manner be pardoned for harboring the doubt that the other wing of the opposition might possibly be slightly influenced by the laudable ambition to wipe out the entire internal-revenue fabric, and so oppose the addition of an article to the list which most of them concede is as proper subject for tax as those now on it, always presupposing the motive to be revenue and the needs of the Government demanding it. But, sir, I scorn the use of such doubtful weapons.

I do not fancy our internal-revenue system as framed and maintained these many years last past and in the last Congress gave evidence of the fact, but the indications are that it is to be a permanency. If so, inasmuch as tillage has been its victim hitherto, I demand in the name of common justice that the system be made subordinate to its protection to the extent of relief contemplated in this bill. For one I do not even insist upon the retention of the full amount of the tax called for if gentlemen are so fearful of "taxing this new legitimate and thriving industry," or as some prefer to call it rascally swindle, out of ex-

istence. Reduce it if you will, but compel it to sail under its own colors—the black flag of taint and suspicion. Require it to wear its label as a sheep-killing cur does his muzzle, and the mischief being wrought by unjust, unequal, dishonest competition will soon have an end.

Butter can look with sovereign contempt upon its diminutive namesake if you will only brand on his forehead the name he should wear. To do it some tax is essential. Is the demand or the amount extravagant? It does not so appear to me. Those who higgie at its enormity, to be consistent, should assail the tyranny of the Government for suppressing the ancient brotherhood of counterfeiters of coin, note-lifters, and kindred "chevaliers of industry."

The claim set up by its advocates that it is the poor man's butter is, I hold, ridiculously fallacious, whether it be based upon the assumption that it is good enough for such or that it is so adapted on the score of economy. Of course, as it can be made at about one-third of the cost of genuine butter, it might be sold at something like one-half and leave a liberal margin for profit. Presumably when sold at first hand it is so sold. But, sir, by the time it reaches the great army of consumers, with its earmarks left behind and then claiming to be what it is not, the price approximates that of honest butter.

Has any one on this floor ever called for it, in laying in his family groceries? Does any flatter himself that he does not get it more or less mixed in with butter, unless he knows his dealer or can trace it to its source? Does he lay the oleaginous unction to his confiding soul that he usually gets true butter at public tables? Mr. Chairman, if the commodity were actually made out of clean and honest fats, as the makers claim it is, it would still be a fraud if sold for what it is not. But when the offal and refuse of the slaughter-house and cattle-yard enter into its fabric, as is generally believed and stoutly maintained, it should be accounted a felony and treated as such whether sold as genuine or imitation butter.

Mr. Chairman, my limited knowledge of natural history recalls but few animals, notably the jackal and turkey-buzzard, that revel in carrion. For one I do not propose to enter the field of dietetic competition against these foul creatures, nor do I intend that my constituents shall, without being forewarned if possible.

If any prefer that sort of diet, none can gainsay them, for there is no accounting for taste. But others, more fastidious, should be permitted to decline the savory meal. Hence, I repeat, this thing should be required to sail under its own name. Why does the plethoric manufacturer object to it? I will tell you why. He knows full well that its name would be its knell; and that his occupation would be gone, or would degenerate to its proper level, that of soap-boiler, if it did. And let me tell you, sir, that he will then have entered upon a more honorable vocation.

Of course it would be a source of regret to a sympathizing world if great constitutional sticklers and lawmakers, impecunious city editors with a bare circulation of 100,000, and boards of trade, actuated purely by considerations of public good in their opposition to this measure, should be deprived of their coveted oleo. In consideration of real service rendered by these in behalf of bogus butter, common gratitude should prompt the new-fledged soap-maker to reserve a corner of his establishment for their old line of trade, in order to supply the insatiate cravings for their wares entertained by such abnormal gastronomic notables. I opine, however, that the overfastidious hod-carrier, street sweep, and boot-black will thenceforth give the place and its products a wide berth, or hold the nose while passing.

The question has been asked time and again during the course of this discussion, "Can any say that it is unhealthy?" Sir, the query is puerile or it is a blind and a pretext. It is rash to say *ex cathedra* what is or is not healthy. But medical science tells us that many of the admitted ingredients are noxious and deleterious to health. Whether death is the consequence of their use would, I apprehend, require a *post mortem* examination in each individual case. To the "doubting Thomases" of the other side I venture to suggest, with a view to a solution of the vexed question, that they authorize the necessary medical and surgical investigation into their individual cause of exit. If the coroner's verdict in all such cases should be, "Died of bogus butter," it might help to resolve the doubts of some future House of skeptics as to the sanitary effects of putrid fats upon the human system.

In conclusion, Mr. Chairman, I earnestly trust that the bill will pass. I ask it in the name of justice to the greatest of agricultural industries. I ask it in the cause of justice in dealing with a bare-faced fraud. I ask it in behalf of the butter-eater as well as the butter-maker. I ask it with an eye to the speedy revision of our tax laws, so that the burden of taxation may fall on articles most suitable and able to bear them, and so be lightened on the overburdened necessities of life. I ask it in behalf of the meat supply, which is rapidly diminishing under the baleful effects of this new-fledged and nefarious trade. And finally, sir, I demand it as right no less than a boon in the name of the sovereign people whose servants we are. [Applause.]

Mr. KELLEY. Mr. Chairman, I renew the amendment. I claim the floor for the purpose of reaffirming, after twenty-four hours' reflection, what I said upon this bill yesterday, and I do it the more eagerly lest some member might think I had been influenced by the threat of

the gentleman from Iowa [Mr. HENDERSON] made last evening, that if Pennsylvania protectionists do not sustain the bill the iron industries of the State may be destroyed. Sir, I have great respect for the iron and steel manufacturers of Pennsylvania and their tens of thousands of employes, but there is one man upon whose good opinion I place a higher value, and that is the one with whom I lie down at night and rise in the morning for the performance of duty, and if the iron interests of the country can be saved only by my playing the demagogue, by my abandoning my well-considered convictions, by adhering to which, let me say, I sustained the farmers of Iowa and Wisconsin when the entire sugar interest, planting, importing, and refining, was here to ask Congress to prohibit by taxation the manufacture of sirup or sugar from corn or sorghum—all the arguments made against oleomargarine to-day were made against permitting the production of glucose or sugar from corn or sorghum—and I say if the iron interests of the country can be sustained only by my abandoning the convictions upon which I acted on that occasion, they will not be sustained by me. At that time, sir, I stood the barrier in defense of corn and sorghum growers against the appeals of many of my own constituents, and I do not believe that either the gentleman from Wisconsin [Mr. PRICE], who so sharply criticized me in my absence, or the gentleman from Iowa [Mr. HENDERSON] would have supported the bill which proposed to require every pound of corn or sorghum sugar and every pint of glucose sirup to go out in a stamped package, showing that it had paid a tax, which would have been destructive of the capital engaged in its production. No, sir; the price proposed for the maintenance of the iron interests of the country is so high that I can not undertake to pay it.

As for the gentleman from Wisconsin [Mr. PRICE] who, like the gentleman from Iowa, in his humility assumed the prerogative of the Almighty and dealt with my motives, and said that he had sat at my feet and recognized me as a teacher for thirty years, but that he has now discovered that the horizon of my vision is bounded by the iron and steel interest, to the utter neglect of the more important and equally honorable interest of agriculture, I can only say that I think he must be mistaken when he says that he had so long accepted me as Gamaliel.

He is a man of extraordinary intelligence, and anybody above the range of idiocy who had read or heard me for thirty years past would know that from the day the war closed I have striven to relieve the farmers of the country from the invidious taxes upon their productions which the necessities of the war had imposed. Sir, it is in their interest that I am to-day fighting this effort to add another internal burden to those they already bear. In these days of peace and an overflowing Treasury why should tobacco pay taxes that you do not impose on cabbage, corn, oats, or rye, unless it be attempted to distil the cereals into an article which makes the farmers' product capable of bearing the cost of transportation?

[Here the hammer fell.]

Mr. OSBORNE and Mr. WARNER, of Missouri, addressed the Chair and proposed to yield their time to Mr. KELLEY.

Mr. KELLEY. I thank both gentlemen.

Why, I ask, tax tobacco as you do not tax cabbage or other agricultural products? It is a great growth of Wisconsin and Iowa, and is a merchantable product of more than thirty States. Again, sir, one bushel of corn will not carry another and itself from the States which those gentlemen who criticized me represent to an Eastern market; but advance it by one stage of manufacture—put it into alcohol, which our arts demand, our arts which consume more than one-half the spirits produced in the country—put it, I say, into that article which they require to cheapen products consumed by all, make that change, and one bushel will carry five to an Eastern or a foreign market.

You grow tobacco and sell it at less than 2 cents a pound, and the tax on it is 8 cents. I want to relieve the farmer of that tax of 400 per cent. On corn the tax is 90 cents a peck. The law requires the production of, or the payment of duty on, a gallon of proof spirits to the peck of corn, four gallons to the bushel, and I am seeking to relieve the corn-growing constituents of those gentlemen of the infamous tax, for an overflowing Treasury, of \$3.60 for converting a bushel of corn into a transportable commodity.

Now, sir, iron and steel, however contracted the vision and base the motives the gentlemen from Iowa and Wisconsin may ascribe to me, do not bound my vision. I wish to carry non-farming populations into the midst of agricultural communities to relieve the pressure on agriculture and to give the small farmer or his wife or daughters a chance to supply markets with chickens and eggs and vegetables and pure butter made from the milk of neighboring dairies.

I was taught by Henry C. Carey that the tariff which would promote the development of the mineral resources of the interior of our country and carry manufacturing industries there was not the iron man's question, was not the manufacturer's question, but was the farmer's question; and so I believe it to be. If these gentlemen see fit to assail that system advocated by my great teacher to the end of his life, and to which I have devoted myself since 1857, with the view of promoting the agricultural interests, let them go over to the other side and vote for free trade and plenty of business in the near future for the sheriff of every agricultural county in the Union. [Applause.]

[Here the hammer fell.]

Mr. HENDERSON, of Iowa, obtained the floor.

The CHAIRMAN. If there be no objection, the *pro forma* amendment will be considered as withdrawn.

Mr. HENDERSON, of Iowa. I renew it. Mr. Chairman, I rise to reaffirm every word that I uttered in debate yesterday. As I said in my opening remarks, I regretted exceedingly that the distinguished gentleman from Pennsylvania was not present; but I could not withhold the discussion until he should be here, for there was no assurance that the tariff question would again come up during this session for discussion. I saw what I thought was a criticism which I had a right to make; and when I feel that I have such a right, no length of experience gives a man a patent to gag my lips.

Mr. KELLEY. Will the gentleman permit a brief question? By what parliamentary law may a gentleman speaking on this floor deal with the motives of another member? His arguments are subject to criticism; his motives belong to the relation between himself and the Almighty.

Mr. HENDERSON, of Iowa. Mr. Chairman, if the distinguished gentleman from Pennsylvania should say "Henderson, I love you," while with his hand he slapped me in the face, I could judge his motives by his acts better than by his speech. When a distinguished lawmaker on every occasion fights every kind of taxation on banks, on whisky, on beer, on matches, on every form of manufactured articles, but is ever ready with all his power and eloquence to speak for another kind of taxation which, like the dropping dew, may touch every part of the country and every home, I may have the right to judge his motives.

The gentleman assumes here to speak for the people whom I represent and who have placed me here as the guardian of their interests. I thank him for his kind co-operation; but the farmers of Iowa reject the proffered aid. Recognizing his ability in this special field, they come here claiming, almost demanding, this legislation which modestly but firmly and fearlessly I am advocating on this floor.

Mr. Chairman, no man would regret more than myself one unkind remark to my superior in age and vastly my superior in intellectual power. If aught that I have said of a personal nature wounds the gentleman, no one could be prompter than myself to withdraw it; but so far as I have made the utterance that the Western country demands and will have protection—by argument if need be, but by war if necessary—I retract not a word. On that ground I stand, and will stand. I insist that tariff legislation is not the only medium by which the rights of the people can be protected; and the East must recognize the fact that the great center, West and South, must be heard on this floor and justly dealt with. That is what I said yesterday; it is what I say now; and a thousand times I emphasize it since I have the attentive ear of my distinguished friend from Pennsylvania.

[Here the hammer fell.]

Mr. PRICE obtained the floor.

Mr. HENDERSON, of Iowa. Mr. Chairman, I am surprised that some gentlemen should ask me whether, when I spoke of "war," I meant a conflict of arms. No, sir; I meant the intellectual conflict by the weapons planted in brave and manly minds—that and that only.

Mr. PRICE. Mr. Chairman, no gentleman on this floor could regret more than I do—

Mr. PAYSON. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. PAYSON. Sitting within two feet of the gentleman from Wisconsin, on account of the confusion in the Hall he can not be heard.

Mr. PRICE. The gentleman from Nebraska [Mr. LAIRD] says it is well. Now, ordinarily to reach his ear you would have to have a voice that would reach to the race-course. [Laughter and applause.]

Mr. HAMMOND. I suggest, Mr. Chairman, that members standing in the aisles and the area be requested to take their seats.

The CHAIRMAN. Members will resume their seats.

Mr. PRICE. Mr. Chairman, I was about to remark no gentleman on the floor possibly could more regret any allusion which by any possibility could wound the feelings of my venerable and distinguished friend from Pennsylvania [Mr. KELLEY] than I would. But I desire to submit to the House the remarks I made, and then a statement of just exactly what those remarks were based upon, and to appeal to their intelligent judgment as to whether in anything I said I was unfair or even discourteous.

Yesterday in the remarks submitted by me I used the following language:

I have always admired the gentleman as one of the nation's ablest defenders of our protective system. I have always honored him for his fidelity to the interests of his State; but the horizon of his vision is bounded by the iron and steel interest to the utter neglect of the more important and equally honorable interests of agriculture.

To keep up a protective tariff he would release liquors and tobacco from their just contribution to our revenues, and having proceeded this far it is not strange that he should antagonize this measure.

Now, am I justified in making that statement? I find in a speech made by the gentleman from Pennsylvania on yesterday the following:

I was then, as I am now, opposed to adding to the resources of a Treasury

that so overflows with revenues as to require us to erect United States court-houses where no courts are held and custom-houses where no customs are collected, and the appointment of commissioners to inquire whether the beds of certain supposed streams had better be deepened and broadened into navigable proportions, or be so smoothed down to make the bed of a railroad. [Laughter.]

I desire to state to the gentleman from Pennsylvania while he has been studying the subject of protection that he has forgotten entirely the subject of finance. I wish, therefore, to recall to his attention this fact, that to-day men are crowding these halls and these corridors to whom this Government owes money for labor well performed, requiring Congressional action for their payment. The gentleman with all the years of his experience has sat as a member of the only body which could furnish honest remuneration for honest toil to liquidate honest debts against the Government and has failed utterly to do so.

The average Congressman, as a rule, is too profoundly great to stoop to the plebeian duty of paying the nation's debts. [Great laughter and applause.] If they paid those debts it would exhaust our present surplus as well as our revenues for the next decade. [Continued laughter and applause.]

So much for that. Now, I wish to call the attention of the committee to another thing. The gentleman from Pennsylvania [Mr. KELLEY] said a few years ago—and I quote from his speech as published—

A MEMBER. What are you reading from?

Mr. PRICE. I am reading from a speech of the gentleman from Pennsylvania made one year ago in this Hall and published in the RECORD:

I do not believe that a cheapening of goods which involves a reduction of wages can relieve any stagnant American industry.

Is the gentleman in favor of cheapening goods which will lessen the products of the dairies of our country? Has the gentleman changed his ground in one year? Is he now proposing to advocate the doctrine of protection to an article which in his characteristic language a year ago he styled as "cheap and nasty?"

It is not cheap; there is nothing before this House, no testimony before the committee to show that it is cheap, while the concurrent testimony of all of them is that it certainly is nasty. It is nasty and it is not cheap. And yet the gentleman says he makes objection to me for regretting that his views are bounded by the iron hills of Pennsylvania, when he will do this thing. What other excuse could I offer?

Mr. KELLEY. You can not offer any. [Laughter and applause.]

Mr. PRICE. I would like to apologize for you, sir, on the ground of your former usefulness. [Renewed laughter and applause.]

Now, sir, I will read again from the same speech made by the gentleman from Pennsylvania:

Are our Democratic associates in their mad pursuit of cheap goods willing to add pernicious anemia to the list of diseases with which our working people are already familiar?

[Laughter.]

Again, from the same speech I quote the distinguished authority of the gentleman from Pennsylvania in support of the bill we are advocating:

Under their leadership we are to enter the race with the world for cheapness. They should remember that when Cobden and his co-workers began the agitation for free trade Carlyle admonished them that they were entering into a race with barbarous nations for the production of the "cheap and nasty." It was he, too, that gave the political economy taught by Malthus and Ricardo the appellation of the "dismal science," because it suggested war, pestilence, and famine as beneficent agents appointed by an all-wise and loving Providence as the only agents whereby He could relieve the earth of an inevitable surplus of population. That dismal science still prevails in British schools, and consequently no animal that can be utilized is of so little value in England as an unemployed working man or woman with a reasonably good appetite for bean-cake or oatmeal porridge.

"Yes," I think I hear some of you rejoin. "You studied the poverty of London, which is, we are ready to admit, unparalleled." No; I spent ten days, unknown to everybody but my daughter, who was my companion, in Birmingham and in visiting the manufacturing towns around that rich and beautiful city. We visited so much of the overcrowded precincts of the city itself as a lady might ride into, and in charge of a policeman I went beyond these limits. Our visits embraced Holesowen, Leye, Leye-waste, and Cradley, where we found women making nails, trace-chains, heavy fire-bricks, and galvanizing hollow-ware.

This brief extract will convince you I do not speak of things I merely heard of. Yet, sir, from this same old country comes this fraud, comes this invention, comes this cheat on the industries of our country, and we merely propose, following the line of policy of the gentleman from Pennsylvania, and in view of the facts which I have quoted from his speech to you, following him up in his line of protection to iron and other industries of his State, to protect the country from this unhealthy food, this cheap product, which sweeps out the industries of our farmers. But the gentleman from Pennsylvania comes in with a proposition to injure them still further by proposing to legalize the distillation of corn into a vile stuff which debauches and degrades and damns everything it touches throughout our land. [Laughter and applause.]

[Here the hammer fell.]

Mr. BLANCHARD was recognized.

Mr. HATCH. I rise to make a privileged motion.

The CHAIRMAN. The Chair has recognized the gentleman from Louisiana.

Mr. HATCH. I move that the committee rise for the purpose of

limiting debate upon this section, and I will give the floor afterward to the gentleman from Louisiana.

Mr. BLANCHARD. With that understanding I will yield the floor.

Mr. COWLES. Will this cut off amendments?

Mr. HATCH. It will not cut off amendments.

Mr. DUNHAM. But there can be no debate upon amendments if the motion prevails.

Mr. BROWN, of Pennsylvania. I wish to offer an amendment to this section.

The CHAIRMAN. The gentleman from Missouri makes a privileged motion, which is that the committee now rise for the purpose of limiting debate.

The question being taken, on a division there were—ayes 104, noes 39.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

The CHAIRMAN. It does not require a quorum.

Mr. VAN EATON. I demand tellers on the motion.

Tellers were not ordered.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration House bill 8328, had come to no resolution thereon.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole for the further consideration of bills raising revenue, and pending that motion I move that all debate upon the first section of the bill and amendments be limited to five minutes.

Mr. BRECKINRIDGE, of Arkansas. I move to amend, that there be no limit upon the debate.

The SPEAKER. That would be equivalent to a negative vote on the pending motion. If the motion of the gentleman from Missouri is rejected there will be no limit to debate.

Mr. BRECKINRIDGE, of Arkansas. Then I move to amend by making it thirty minutes.

The committee divided; and there were—ayes 53, noes 91.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BRECKINRIDGE, of Arkansas, and Mr. HATCH were appointed tellers.

Mr. HATCH (one of the tellers). I am informed by the gentleman from Arkansas that he desires to offer a substantial amendment to the first section of the bill. I have no desire to cut off debate upon substantive amendments.

The SPEAKER. But the motion of the gentleman is to limit all debate to five minutes.

Mr. HATCH. I desire to amend that and say fifteen minutes.

Mr. BRECKINRIDGE, of Arkansas. Say twenty.

Mr. HATCH. Very well; I will so modify the motion and make it twenty minutes.

The question being taken on the motion of Mr. HATCH as modified, it was agreed to.

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

The House accordingly resolved itself into Committee of the Whole House, Mr. SPRINGER 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 has been read. By order of the House all debate upon the first section of the bill and amendments thereto is limited to twenty minutes. The gentleman from Louisiana [Mr. BLANCHARD] is entitled to the floor.

Mr. BLANCHARD. Mr. Chairman, I move to strike out the last word.

This bill I regard as a most remarkable measure. It stands unique among the measures pending before this House. Of all the propositions to be found in all of the five or six thousand bills and resolutions which have been introduced at this session of Congress the one embodied in this bill is the most preposterous, the most unjustly, unfairly, invidiously discriminative.

What is this proposition? It is one made by the dairy interests of the country that, in order to have their products increase in price, a legitimate industry of the country shall be stricken down. The bill, sir, is a fraud on its face. It comes here as a bill "defining butter and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine." And yet, Mr. Chairman, to be truthful it should have been labeled "A bill to increase the price of dairy products," because that is its real object and its only object. A bill to raise revenue, forsooth! I feel tempted, sir, to paraphrase a well-known quotation and cry out "Oh, revenue, what crimes are committed in thy name!"

The dairy industry of the country finding itself confronted by a cheaper article, which is in the nature of butter and yet not butter, but which is a wholesome food, finding itself about to be outdone in the markets of the country, seeks a transfer of its quarrels and its troubles to the Halls of Congress, and asks the National Legislature to strike down a rival industry which is in its way. Is that fair? Is that in accordance with the principle so dear to Americans—"an open field

and fair race to all?" Sir, a true and proper spirit animating American industry would prompt it to ask nothing at the hands of Government except the policy of no intermeddling, that principle of non-interference which was embodied in the modest request of Diogenes to Alexander—"Stand out of my light, out of my sunshine."

This bill, sir, is the very antipode of that principle. The dairy interests of the country have no more right to ask the national aid in their behalf, no more right to ask that their productions be increased in value or price by legislation than have the cotton interests, the wheat interests, or the thousand and one other interests of the country to come here and through their Representatives introduce and pass bills increasing the price of their several products.

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

Mr. BLANCHARD. I have but a moment and can not yield.

I deny, sir, that the farming interests of the country are asking the passage of this bill. That portion of the farming interest of the country engaged in the dairy industry is; but the thousands upon thousands of farmers of the South and consumers all over the country are not asking at the hands of Congress the enactment of this unfair, unjust, ungenerous, illiberal, and intolerant legislation. It is class legislation of the most objectionable character. It is false in principle and false in the pretenses under which it comes before the House, and I trust will never be enacted into law by the American Congress.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. I offer the amendment which I send to the desk.

The Clerk read as follows:

In section 1, line 6, strike out the words "with or," where they last occur; so that it will read "with or without common salt, and without additional coloring matter."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, the bill in proposing to prevent a fraud upon butter permits what may be termed a mild fraud in the production of butter itself, for it finds no fault with the products of milk and cream being artificially colored so as to deceive the purchaser as to the richness of the food products that have been used in the production of the butter.

We know that coloring matter is not always pure and wholesome. Perhaps there is no gentleman on this floor who has not been told by his family physician that the most injurious ingredient in the candies that are sold is the coloring matter they contain. Now, if the committee wishes to be thoroughgoing in their reform and prevention of fraud, I trust they will not permit coloring matter which for aught we know may be poisonous to be used in the production of butter.

But, like most of the gentlemen on the floor, I have some observations to offer on the bill in addition to what may be germane to a pending amendment. I shall make part of them now, and I may be able to introduce the other parts before we finish discussing the bill under the five-minute rule.

It was said last night by some gentleman, whose name I do not recall, that we have a precedent for discriminating in internal taxes as this bill proposes. I was surprised at the statement, and did not believe then that the gentleman was correct; and I have found out since that he was incorrect. He stated that we tax artificial wines 10 cents a pint, which is partly correct; but his conclusion is wrong. It is interesting, Mr. Chairman, to see what is and has been done in this. If gentlemen will look at section 3328 of the Revised Statutes—and a good deal has been said about this item quietly around on the floor—they will find this:

On all wines, liquors, and compounds known or denominated as wine, and made in imitation of sparkling wine, or champagne, but not made from grapes grown in the United States, &c.—

There is a tax of 10 cents a pint.

Mr. STRUBLE. Read the rest of that.

Mr. BRECKINRIDGE, of Arkansas. I have read enough to enforce my point. The rest the gentleman can read when he has the floor. It does not contradict what I state.

Now, I want to call attention to the origin of that law. Its origin will be found in an act passed in 1866—a revenue act. It had been found that imitations of imported champagne were being made in this country and depriving the Government of revenue. Therefore, in that act, on page 158, section 36, it is provided that—

On all wines, liquors, or compounds known or denominated as wine, made in imitation of sparkling wine or champagne, and put up in bottles in imitation of any imported wine, &c.

This tax shall be levied. The act was not to stimulate the production of wine in this country, but it was to prevent frauds upon the revenue; and if gentlemen will trace it back from its very inception they will see where the internal tax has kept pace with the import tax; and when this fraud upon the revenue was found to exist you find the specification inserted as I have just read, although you see how it started and the purpose, and it is still limited to sparkling wine or champagne. The amount is somewhat reduced, and I think it clear that the purpose and principle of this bill finds no precedent here.

I was all the more surprised at the statement or opinion expressed last night because I had read this in the case cited by the committee

in their report, which I propose to treat of more fully before we get through, because I had read this in the dissenting opinion of the two judges of the Supreme Court in which they criticise the decision made in the case cited by the committee but they do not criticise the ground upon which the court says it made its decision.

[Here the hammer fell.]

The CHAIRMAN. The Chair will entertain the debate on this section during the time assigned to it by order of the House before putting the question on the amendment offered by the gentleman from Arkansas. It will be considered as pending.

Mr. BROWN, of Pennsylvania. The amendment offered by the gentleman from Arkansas is practically the same as one which I was proposing to offer, and I rise simply to support his amendment. The object of the amendment to my mind is to prevent deception. The practice of coloring butter has grown to be an evil, not perhaps as great as that of the manufacture of oleomargarine, but a deception so great as in the aggregate to be an immense imposition upon the people of this country. It comes about mainly through the packers and shippers perhaps. A grocer buys the butter of a neighborhood manufactured by A, B, C, and D; of cleanly and uncleanly housewives; of people who make good butter and people who make filthy butter. That butter is bought by the grocer and packed every night or at the end of every week, as the case may be, and by the packer is colored. The parcels of ring-streaked and speckled butter brought in during the day or the week are worked over and colored in packing. The mass goes into a firkin and is shipped as the butter of a single family or of a single producer, and presumably all originally of the same color. There could be no other purpose in applying the color chemicals except to deceive.

If that is not a deception, then the manufacture of oleomargarine and palming it off as butter is not deception. Why? The man who tests the firkin or other package of butter, if there is no coloring matter in it, is able to judge somewhat of the quality, and whether it is made at one place or at a dozen places, whether it is of one quality or of a dozen qualities; but when the packer colors the butter and mixes up the butter manufactured by the cleanly housewife with that made by the slovenly one, he has extinguished all means of detection. Both kinds of butter, the good and the bad, go into the same package and are made of the same color, and the imposition on the public is complete. But for use of the coloring chemicals the several qualities could never be mixed.

Mr. FUNSTON. Does the coloring change the quality of the butter?

Mr. BROWN, of Pennsylvania. The coloring may not have anything to do with the quality, but no man can say but that the purchaser of the butter is deceived. If the coloring matter were not in that butter, the purchaser would be enabled to know by examination whether the butter was made at one home or all over a neighborhood. There is another reason why butter coloring should be abandoned. It not only deceives the purchaser, but it exposes butter to the cunning of the counterfeiter. The coloring that goes into butter has made it easy for the butterine manufacture to duplicate the farmers' product.

If we are going to strike at counterfeits let us hit the first one we find in the bill.

Mr. LAWLER. Mr. Chairman, I ask to have read the resolutions recently adopted by the Knights of Labor which I send to the Clerk's desk.

The Clerk read as follows:

Whereas certain measures are now pending in Congress for the regulation of the manufacture and sale of butterine and oleomargarine, and the imposition of taxes thereon, amounting to a prohibition; and

Whereas the manufacture and sale of this article is a legitimate business, furnishing a clean, palatable, healthy, and nutritious article of food at a reasonable price; and that the effect of this legislation will be to increase the price of a cheap and wholesome food product and destroy the labor its manufacture employs; and

Whereas the only reason given for this legislation is that it comes into competition with butter; it is

Resolved, That we protest against the passage of such measures as unjust and injurious to the laboring classes, and as opposed to the principles of sound public policy; it is

Further resolved, That copies of these resolutions be transmitted to our Senators and Representatives in Congress by the secretary of this assembly.

The foregoing preamble and resolutions were unanimously adopted at a joint session of assemblies 4080, 1597, 4052, 4327, 5499, 5959, and 1912 of the Knights of Labor for the purpose of taking prompt action in regard to a bill now pending before Congress entitled "A bill to regulate the manufacture and sale of butterine or oleomargarine."

[SEAL.]

G. S. CHAMPLIN, M. W. 4080.  
D. A. WHITE,  
Financial Secretary L. A. 4080.

Mr. LAWLER. Mr. Chairman, I have also communications on this subject from the Chicago Live-Stock Exchange and from the Union Stock-Yard and Transit Company, which are as follows:

CHICAGO LIVE-STOCK EXCHANGE, UNION STOCK-YARDS,  
Chicago, May 10, 1886.

At a full meeting of this association, held in their rooms this day, the following resolutions were reported from the undersigned committee, and were adopted by a unanimous vote:

Whereas bills are now pending in both Houses of Congress proposing special taxes on all manufacturers and vendors of oleomargarine and butterine, and also proposing an internal-revenue tax of 10 cents on each pound of those articles made in this country, and placing the production and sale of them under charge of the Internal Revenue Bureau; and

Whereas the proposed laws, while purporting to be revenue bills, are in reality intended to stop the manufacture of oleomargarine and butterine in this country; Therefore,

Be it resolved by the Chicago Live-Stock Exchange, That we are firmly opposed to the passage of any law prohibiting or taxing the manufacture or sale of oleomargarine or butterine for the following reasons:

1. The leading chemists of this country have repeatedly examined and pronounced oleomargarine and butterine healthful articles of food. This being the case, Congress has no right to prohibit their manufacture or sale; and to subject them to taxation when revenue is not needed is equally a violation of constitutional rights.

2. In this market prime fat cattle are worth at least \$2 per head more than they would bring if the manufacture of these desirable articles of food was prohibited or burdened with unjust taxation, and the materials now used in their manufacture were thus compelled to be used in other channels.

3. The price of choice grades of butter is frequently so high as to place them beyond the reach of people of moderate means, who can now get a wholesome and palatable substitute at a low price, but who would, if the proposed laws should be enacted, be compelled to eat poor butter or do without.

Resolved, That the secretary of this exchange be instructed to forward copies of these resolutions to our Senators and Members in Congress and to furnish a copy to the press.

IRUS COY,  
L. B. DOUD,  
J. C. BOHART,  
SAMUEL WAUGH,  
B. F. HARRISON,

Committee.

C. W. BAKER, Secretary.

CHICAGO, May 18, 1886.

DEAR SIR: By reports from Washington we learn that a strong effort is being made in the House to enact a law taxing oleomargarine and butterine, ostensibly as a revenue measure, but really intending to prohibit by excessive taxation the manufacture of those articles in this country. We believe the American people can not afford to have this done.

It is a well-known fact that these articles are made from beef fat, leaf lard, and vegetable oils, mixed with milk, cream, the best butter and salt, and the best qualities of these articles are necessarily used in order to make the oleomargarine and butterine stand the test of examination and use. All these ingredients are daily used as choice and wholesome food at the tables of all educated and refined people in this land.

The leading chemists of this country have repeatedly examined and pronounced oleomargarine and butterine healthful and palatable articles of food.

In this market prime fat cattle are worth at least \$2 per head more than they would bring if the manufacture of these desirable articles of food was prohibited.

Thousands of poor people are to-day enabled to have butterine and oleomargarine on their tables who would have to eat dry bread, being unable to pay the price of genuine butter, no more palatable nor wholesome than these, if this law is passed.

The manufacture of oleomargarine and butterine does not depreciate the price of good butter, for the reason that good, first-class butter is required in its manufacture, and it creates a new demand for the best article. The only persons it can injure are those engaged in the making of poor, unwholesome butter, while it is of great benefit to the laboring masses and a source of pecuniary advantage to the great stock-growing interest of this whole country. We are opposed to any measure that has a tendency to increase the price of the food supply used by the laboring masses. We believe the people should enjoy the privilege of buying cheaply oleomargarine and butterine if they prefer it to poor, or even common, butter, and that any law tending to increase the price of these articles, or to prohibit their manufacture, would be very detrimental to the interests of the whole country.

Yours, respectfully,

JOHN B. SHERMAN.

HON. FRANK LAWLER,  
House of Representatives, Washington, D. C.

Now, Mr. Chairman, I want to say to the members of this House that I regard the step which they contemplate taking in the passage of this bill as one that will do great injustice to more than a million of men who have petitioned against the passage of the bill. This is an effort to protect the farmer. The farmer ought to be protected, it is true, but in the large cities in certain years there have been times when the farmer's product known as dairy butter has brought from 50 to 65 cents a pound. Only a year ago in this city it brought 60 cents a pound, and in the city of Chicago we have known times when butter brought 65 or 66 cents a pound.

I appeal to you gentlemen to go with me into the households of the poor working people of Chicago, who are receiving only 80 or 90 cents or a dollar a day, and tell me how people receiving such small compensation and having large families dependent upon them can afford out of their wages to buy butter at 50 or 60 cents a pound. I tell you that the great underlying cause of the trouble to-day in the United States is the fact that in twelve years but one bill has been passed by Congress in the interest of the toiling masses of the United States. I know it is unpleasant and unpopular for men to get up here and face public opinion and the press of the country, and as a consequence the toilers of the United States are aroused now for the first time in twenty-five years.

If you do not believe it, if you think it is idle threat on my part, take the vote cast on this bill to-day, should it pass, keep that vote in your vest pocket until after the next fall elections, and then compare it with the list of the men who are defeated. Why do the working-men so regard this bill? Because it is an attempt to tax a food product in the interest of a class. The toilers of this country, the people who pay the taxes to carry on this Government, have not asked for the passage of this bill. On the contrary, they say to your Congress: "We protest against the passage of the bill. We object to your raising revenue by assessing a cheap food product like this oleomargarine and butterine that are now used so largely by us."

[Here the hammer fell.]

The CHAIRMAN. By order of the House, all debate upon the first section of the bill is now closed. The Clerk will report the first amend-



ment pending to this section, after which the Chair will entertain any amendments that may be offered.

The Clerk read as follows:

Section 1, line 6, strike out the words "with, or," where they last occur, so that it will read "with or without common salt and without additional coloring matter."

The amendment was agreed to.

The CHAIRMAN. If there be no other amendments offered to this section the Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 2. That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef-fat, suet, lard, lard-oil, vegetable-oil annotto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or calculated or intended to be used as butter or for butter.

Mr. BRUMM. Mr. Chairman, I move *pro forma* to amend the section by striking out the last word. Sir, I was very sorry yesterday that the gentleman from Iowa [Mr. HENDERSON] saw proper, for purposes best known to himself, to attack not the distinguished "father of the House" individually, but Pennsylvania generally, because forsooth some members from Pennsylvania see fit to differ with the gentleman from Iowa on the question of oleomargarine. Starting out in his remarks, he said, "I am not an iron-clad tariff man, and I hereby give notice to Pennsylvania that if her Representatives do not stand by the farmers of the West we will not stand by Pennsylvania."

Mr. Chairman, so far as I am individually concerned I have no favor to ask either on the tariff question or any other question from any individual member or from any section of this country. So far as Pennsylvania is concerned, she has no favor to ask on the subject of tariff for protection. I believe that the question of protection is a national question. It is a question in which all the people of this country are concerned. It is a question in which gentlemen from South Carolina, from Oregon, from Iowa, from every State in this Union should have an interest. It is no local question. I am sick and tired of having gentlemen thrust into the ears of Pennsylvanians the intimation that they are cringing and begging for protection for Pennsylvania alone. Pennsylvania can stand free trade just as well as Iowa can stand it; and we are asking no favors. If gentlemen would only represent the sentiment of the whole country on this question, and not merely localities, there would be no reason for making invidious remarks based upon the geographical relations of gentlemen favoring or opposing this particular bill.

Now, let me call attention to this fact: If there is one industry in the United States that requires less protection than any other it is the dairy interest, for I have noticed during my lifetime that milk, cheese, butter, calves, cows, and dairy products generally have been constantly rising in price, while iron, cotton, and woolen goods and other manufactured articles have been falling. Statistics will show that if there is one set of people who have no right to ask for special protection at the expense of other farm products it is the dairymen of this country.

Besides, sir, I have understood protection to be a union of the American people against foreign pauper labor—a union of the people of all the States against the foreign monopolist—not that one State should array itself against another because of any local interest; not that the cotton interests should array themselves against the woolen interests because of difference of locality; not that the North should array itself against the South because of any peculiar institution of either; not that any section or any business in the country should array itself against any other section or any other business, but that we should all, man by man, throughout this country stand up against foreign pauper labor, against the foreign monopolist, against that wretched "dump" from foreign countries which has been the bane of American industry and the worst enemy of the American farmer.

Mr. STRUBLE addressed the committee. [See Appendix.]

Mr. MORRISON. Mr. Chairman, I can not but think this bill is here under false pretenses, and therefore I shall vote against it. It can only be here as a revenue bill; and as such it comes here. In the discussion its advocates claim it is not here for the purpose of putting revenue into the Treasury for the support of the Government, but to brand and mark a counterfeit product, that it may not be imposed on the public as genuine.

They tell us it is here to prevent fraud. When we get further on and an amendment is proposed to reduce this tax of 10 cents a pound to 2 cents, which will give all the needed remedy and security against fraud and which will leave the bill with the means provided for showing what this substitute for butter is when it is put on the market or on the public table, then we will see whether its friends have declared or disclosed its real purpose. When such a proposition is offered we shall learn, Mr. Chairman, whether these gentlemen are telling us the truth when they say all they want is that this thing shall be sold for what it is.

But it was not for the purpose of stating objections to this bill, Mr. Chairman, that I took the floor. I sought the floor some time ago, when the senior gentleman from Pennsylvania [Mr. KELLEY] took his seat,

to make some short reply to him. I want to prevent the next war now threatened between Pennsylvania and Iowa. [Laughter.]

I want also to put the mind of the gentleman from Pennsylvania at ease, because he seems to be disturbed lest the gentleman from Iowa [Mr. HENDERSON] will vote at some time against protection. [Laughter.]

Why, sir, he need not feel alarmed. [Laughter and applause.] No, sir. Two weeks from now he will find the gentleman from Iowa [Mr. HENDERSON] and the gentleman from Wisconsin [Mr. PRICE], both of whom have to-day caused him apprehension, dancing between the tellers after the gentleman from Pennsylvania [Mr. KELLEY] to protect all his Pennsylvania iron and whatever else he demands protection upon by the continuance of the existing tariff. [Laughter and applause.]

Why, a dozen years ago the Republican members of Iowa, and I believe of Wisconsin, were found walking through the tellers upon this floor voting against the gentleman from Pennsylvania and in favor of taking the tax off of salt to put in this good butter—Iowa and Wisconsin butter. When two weeks from now that question is again presented to gentlemen from Iowa and Wisconsin they will dance through the tellers after the gentleman from Pennsylvania to keep the tax on salt which a few years ago their predecessors voted off. [Laughter.] In these last ten or fifteen years gentlemen from the Northwest, Republican gentlemen, have been disciplined. They know now and do what the gentleman from Pennsylvania and other protectionists require of them. Oh, no, there will be no war; Iowa will protect and continue the tax on iron and salt. When we propose, and we do propose, to take the tax off of planks and wood and boards to afford shelter to the cows, without which butter will all be butterine, you will see them, the gentlemen from Iowa, voting with the gentleman from Pennsylvania to keep up a high rate of tariff tax on plank boards and wood all the same as Pennsylvanians do on iron, and all with the votes of Iowa, Kansas, and Nebraska together. In these States and largely in my own shelter for cows and other domestic animals, as well as for the people less favored financially, are built of the same material—wood; but the Representatives from these States will not vote to cheapen that shelter. They will vote right along with the gentleman from Pennsylvania and other protectionists who they are now trying to scold into voting a tax on something to eat which is poor food untaxed.

Mr. MILLIKEN. Will the gentleman from Illinois permit me to ask him whether the duty imposed by the tariff on the lumber which affords the shelter he has referred to amounts to a protective duty?

Mr. MORRISON. Yes; if that tax be taken off five houses can be built with the money which now builds four. Up in Maine you produce nothing but some good men, pine trees, and fish; we will take care of the fish afterward. [Laughter.] That is to say, if the Pennsylvania and Iowa war would go on or begin so we could have the help of Iowa, Nebraska, and Kansas to remove unnecessary taxes, but I can hardly expect so much.

Mr. MILLIKEN. The duty on it is not enough to produce revenue.

Mr. MORRISON. With the permission of the committee I wish to say a word in reply to Judge KELLEY as to internal taxes so much discussed in this debate. If additional revenue is wanted, this is a very proper subject for taxation according to my view of taxation. Taxing a thing is equivalent to taking a part of it, and I have always insisted that we should tax and take part of what can best be spared. So if we must have a revenue from butter or its substitutes, then it would be rightly imposed, not on natural and pure butter, but on the artificial and not so pure, because it is better to tax and to some extent deprive people of the use of what is not so good than of that admitted to be better.

Mr. Chairman, this thing of paying taxes is not a pleasant pastime. I would not, and suppose no one would, for the mere love of the thing, impose or keep up taxes even on whisky or on tobacco. But I do think it is a little wiser to put taxes on whisky and tobacco than on some other things which are more necessary to the health and comfort of our fellow-men, at least I think it is best to so divide the burdens of taxation that spirits and tobacco shall bear a considerable part.

Is our venerable friend from Pennsylvania [Judge KELLEY], or anybody else to stand here and talk of taking off the internal-revenue tax and expect to be believed? Do they mean what they say? Are they in earnest? Can it be done? How and where are we to get the money to carry on the Government and discharge all its moneyed obligations?

[Here the hammer fell.]

Mr. HISCOCK was recognized, and yielded his time to Mr. MORRISON.

Mr. MORRISON. I very much dislike taking the time of a protectionist while criticising the doctrine. [Laughter.] Yet I am very thankful to the gentleman from New York. I once threw a stone—or a lot of taxed salt, which is heavier—his way, for I would not have him treated worse than we were trying to treat other protectionists. [Renewed laughter.]

I have asked, Mr. Chairman, do gentlemen mean to take off the internal-revenue taxes when they tell us they do? Our customs, or revenue from tariff taxes, is now about \$175,000,000. This is and always

has been with our people the method of tax-paying, if not the most preferred, the least objected to; and I have said over and over again that this system of customs taxes a hundred years old will continue; certainly in my time it will not be dispensed with. No reasonable man expects that it will be or desires it should be.

It will be exacting its demands and in operation when I am neither on this floor nor elsewhere above ground. The time will come when a choice can be made between the two systems. Those here to make the choice will determine whether they will put the taxes for the support of the Government all upon their food, clothing, and means of comfortable living, or only a part of it on these and some of it on these and some of it on whisky and tobacco. I think it would be better and wiser to put less upon the clothing, food, and shelter and more on the whisky and tobacco; but, I repeat, the choice will not be made in my time.

Taxes on imported goods are so high now that to make them higher gives us less revenue. What do you get now? One hundred and seventy-five or one hundred and eighty millions of dollars. Your expenses for administering the Government, that you will be required to vote this session, will be nearly \$150,000,000, and it will never be much less, notwithstanding all our Democratic economy. [Laughter and applause.] It will grow with the growth of our people and may be estimated at one hundred and fifty millions.

The talk of reducing the annual expense of administration to \$100,000,000 will never be realized. Then your cost of ordinary administration, without anything for the public debt or pensions, will require all your revenue from customs or tariff taxes except \$25,000,000, which is but half your annual interest. You then require from sources other than customs \$25,000,000 for interest and \$75,000,000 for pensions. Where is this \$100,000,000 to come from? And are we to pay nothing on the principal of the debt? The contract requires another \$40,000,000 for this purpose. Have you not gone on here session after session increasing the pension-roll until it is now \$75,000,000 a year? And do you not intend to pay it? Does not the gentleman from Pennsylvania [Mr. KELLEY] intend to pay what he votes for pensions?

Mr. OATES (from his seat). Eighty-one millions of dollars.

Mr. MORRISON. Where, without internal taxes, is the money to come from to pay that?

Mr. BRUMM. Issue greenbacks and pay it. [Laughter.]

Mr. MORRISON. Yes, and who will pay the "greenbacks?" That is like all sham pretenses. It will not pay anything. We have gone over that road once.

I insist, Mr. Chairman, that any man who has any intelligence about the condition of the country, its resources, the sources from which it derives its income, must admit that we can not dispense with the internal-revenue tax.

We might dispense with the tax on tobacco. We might spare that much. If gentlemen prefer to dispense with that and lighten the burden of indulgence that the load may rest upon those things essential to comfortable existence, then we can free tobacco and still pay the \$24,000,000 into the Treasury on our houses and farms, or means of maintaining them, our tools of trade, food and clothing, and provided we do not increase or grant any more pensions. But I still insist that the gentleman from Pennsylvania [Judge KELLEY], or any one else who talks of abolishing the internal-revenue system of taxation now can not mean what he says. He does not mean what he says unless he means to wipe out the pension-roll and refuse to pay the interest. [Applause.]

Mr. WEAVER, of Iowa. Mr. Chairman, I am very glad to inform the gentleman from Illinois [Mr. MORRISON] that there is one Representative at least from the State of Iowa who is sound on both the lumber and butter questions. But I regard this tariff discussion as an intruder here. The pending question seems to be so oily that it is hard to confine it in its proper sphere.

Now, there are two inquiries which arise in my mind concerning this bill. First, is it constitutional? The second, is it expedient? I answer both in the affirmative. It will not be denied that this is a constitutional bill, and I believe that the effect of the bill will be healthful and beneficial in every respect.

Next to the revenue which will result from it will follow the stripping of this industry from the disguise under which it sails, and it will be remitted to honest competition with the butter-maker. It now competes as butter when it is not butter. I can not see how any class of our people can complain if they are allowed to buy it, knowing what it is. But it is now sailing under the dairy flag when it ought to be sailing under the oleomargarine flag.

I can not see that any effect of this bill will be bad or deleterious. It does not destroy competition. Competition remains, but butter goes into the market in competition with oleomargarine instead of in competition with a false and spurious and fraudulent imitation of butter.

Mr. BROWNE, of Indiana. Will the gentleman yield to me for a question?

Mr. WEAVER, of Iowa. Yes, sir.

Mr. BROWNE, of Indiana. Does not this compel oleomargarine to go into the market as a competitor with butter with a tax of 10 cents a pound upon its back?

Mr. WEAVER, of Iowa. No, sir; it compels it to go into the market as oleomargarine, subject to a tax which holds it to honest competition. The tax has the effect of doing away with the fraud. What objection can there be to that?

A MEMBER. Would not a less tax serve that purpose?

Mr. WEAVER, of Iowa. Whether a less tax might not reach the same result I am not prepared to say.

It is insisted by the distinguished gentleman from Pennsylvania [Mr. KELLEY] that we have no right to question motives. Let us apply that to the whole discussion.

The gentlemen who advocate oleomargarine here say oleomargarine looks like butter, smells like butter, and operates like butter; and so this bill looks like a revenue bill, reads like a revenue bill, and will operate as a revenue bill. Let it pass.

Mr. BRUMM. And therefore the greater its deception.

Mr. WEAVER, of Iowa. There is no deception about it.

[Here the hammer fell].

Mr. GROSVENOR. I rise to assure the gentleman from Arkansas [Mr. DUNN] that I thoroughly sympathize with him in the regret he expressed about the condition of the Democratic party on the subject of the tariff. The distinguished gentleman from Illinois [Mr. MORRISON], the chairman of the Committee on Ways and Means, says this bill is a fraud. If it be a fraud, it is in its proper place here provoking a discussion upon the tariff question. Is there a greater fraud before the American people to-day than the pretense of tariff reformers that they propose to pass and can pass a tariff bill in this House? What is it here for? The gentleman from Arkansas very eloquently said not very long ago: "How did you come here? What are you staying here for?" I ask the gentleman from Illinois to answer these questions if he deems it worth while. Why do you hold over the industries of this country a pall, a club, a threat of destruction, when you know that the utmost that can come of your attempted legislation upon the tariff at this session of Congress will be to end the whole thing in a threat, and nothing more?

How does it happen you have stricken off from a single product in my State by the presence in this Congress of the Morrison tariff bill during the last thirty days \$3,000,000? For that is the exact net reduction upon the product of wool alone in Ohio. How does it happen that you have stricken down the industry peculiar to my Congressional district, so far as Ohio is concerned—the manufacture of salt—when you understand, as I believe, that the utmost you can do will be to menace its destruction, while the Democratic party of Ohio poses before the people of the country as in favor not only of the present protection of those commodities but the restoration of the tariff of the past?

Mr. MORRISON. The gentleman from Ohio has asked me several questions. Does he want answers to them?

Mr. GROSVENOR. I will not ask the gentleman to speak now.

Mr. MORRISON. I do not want to answer unless you desire me to do so.

Mr. GROSVENOR. I am speaking to the gentleman in a sort of generic way as the representative of the free-traders on this floor, and their fairest and ablest champion.

Mr. MORRISON. All right.

Mr. GROSVENOR. Now, another word. The side to which I have the honor to belong, the men who believe in protection, do not wonder there is some uneasiness on that side when we reflect that the contingent on which we rely to defeat every species of legislation like the Morrison bill lies in the Democratic party; when we reflect it is the Democrats upon the other side, the men who come here year after year, who join in Presidential nominations side by side with the distinguished free-traders of the country, who then come here and filibuster against the efforts of the free-traders of this House to bring forward their measures to destroy the interests of the country.

Mr. WEAVER, of Iowa. Will the gentleman permit me?

Mr. GROSVENOR. Yes, sir.

Mr. WEAVER, of Iowa. The present tariff law, enacted when the Republican party had the control of both Houses and the Executive, taxes rough boards \$2 per thousand feet and allows railroad ties to come in free. Does the gentleman justify that?

Mr. GROSVENOR. I will talk to the gentleman from Iowa about that when that question comes up. I am sympathizing now with the Democratic party for their own misfortune, and if the gentleman comes inside the Democratic party and defends it, well and good; if he desires to stand outside the party and defend it, all right; and if he hangs in mid air, all right. But he must wait for his time, and not inject it into my five-minute speech.

Mr. WEAVER, of Iowa. It would improve your speech.

Mr. GROSVENOR. The gentleman speaks of railroad ties. I am talking of the disintegration of the Democratic party that was bewailed so eloquently by the gentleman from Arkansas yesterday.

Mr. HEPBURN. I would suggest that my colleague [Mr. WEAVER, of Iowa] himself might answer that question as well as the gentleman from Ohio, because he supported the same tariff bill for a good many years. [Laughter.]

Mr. WEAVER, of Iowa. Mr. Chairman, there is one thing I never

did, which my colleague from Iowa [Mr. HEPBURN] did. I never denounced the Republican party as being "so rotten that the Goddess of Liberty had to hold her nose when she passed over the Capitol," and then returned to that party when it was more rotten than ever. [Laughter.]

Mr. HEPBURN. Mr. Chairman, I never did anything of that kind, but if I had done it and wanted an excuse I should say that it was because the gentleman from Iowa [Mr. WEAVER] was at that time a member of the party in good standing. [Great laughter.]

Mr. WEAVER, of Iowa. Mr. Chairman, I want to say that the gentleman returned to the Republican party while I was still a member of it. "Like the sow that was washed, he returned to his wallowing in the mire." [Renewed laughter.]

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I desire to offer an amendment.

Mr. GROSVENOR. Mr. Chairman, I should like to understand the process by which a gentleman who obtains the recognition of the Chair, after waiting several hours for it, finds himself taken off the floor without his own consent.

The CHAIRMAN. The gentleman's time had expired when he was interrupted by the gentleman from Iowa [Mr. WEAVER], but the Chair indulged gentlemen while they were interchanging the pleasant remarks that the House has just heard. [Laughter.]

The formal amendment was withdrawn, and the Clerk read the amendment offered by Mr. BRECKINRIDGE, of Arkansas, as follows:

Section 2, line 13, after the word "butter," insert:  
"And all butter containing any coloring matter or any other substance except products of cows' milk or cream: *Provided*, That nothing in this bill shall prevent the use of salt."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, this amendment is only to give effect to the amendment which was made to a previous paragraph. It is in accordance with that amendment and should logically be adopted as the other was.

I will consume the balance of my five minutes in continuing the few observations that I desire to make on this bill. I have remarked to the House that the opinion of some gentlemen in debate last evening to the contrary notwithstanding, there is no case in the history of our internal taxation where a tax has been laid with the view of encouraging one industry and putting down another. I had thought that there could not be such a case from my general knowledge of the internal-revenue laws, and my opinion was further strengthened by reading the opinion of the court in the case cited by the committee in their report on this bill.

I am about to read, however, a portion of the opinion which the committee did not cite. The dissenting judges in the case of the Veazie Bank vs. Fenno attributed to the court a basis for the opinion delivered on that occasion, which the court did not acknowledge. The ground that they took for sustaining the 10 per cent. tax upon the State bank circulation was that it was giving effect to the power to provide a currency. They did not sustain it as a discrimination between industries. They said that it was a necessary incident to the power of providing a circulating medium, but the dissenting judges did not rest their dissenting opinion upon that ground, but upon the ground of discrimination between one industry and another in laying an internal tax; and upon that proposition of trying to discriminate between industries to which the States are willing to give citizenship, as it were, Judges Davis and Nelson spoke as follows:

It is true that the present decision strikes only at the power to create banks, but no person can fail to see that the principle involved affects the power to create any other description of corporation, such as railroads, turnpikes, manufacturing companies, and others. This taxation of the powers and faculties of the State governments which are essential to their sovereignty and to the efficient and independent management and administration of their internal affairs is for the first time advanced as an attribute of Federal authority.

Now, sir, this bill is unique. Indeed, sir, I think it is the only proposition of the kind that was ever brought before the American Congress; but of that I can not speak with certainty. These eminent judges said none such had been advanced at that time, December, 1869.

It is a remarkable departure from the whole system of legislation that has characterized us in the past, and it is quite a striking fact that the committee in quoting this report for their authority failed to see that the court had been careful to take exactly the position which they do not attribute to it. The court says this:

The general intent of the Constitution, however, seems plain. The General Government administered by the Congress of the confederation had been reduced to the verge of impotency by the necessity of relying for revenue upon requisitions on the States, and it was a leading object of the adoption of the Constitution to relieve the Government to be organized under it from this necessity and to confer upon it ample power to provide revenue by the taxation of persons and property.

The committee cite the general welfare clause of the Constitution, as if any man in America imagined that it is a grant of power except as to the disposition of the money in the Treasury. No; this is not a Government merely of discretion, though there are some great trusts we may pervert.

But to go back to the case they cite. The court says, page 549:

Having thus in the exercise of undisputed constitutional powers undertaken to provide a currency for the whole country, it can not be questioned that Con-

gress may, constitutionally, secure the benefit of it to the people by appropriate legislation. To this end Congress may restrain by suitable enactments the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and uniform currency for the country must be futile.

The court then sustained a Federal tax upon a corporation, or upon the emissions of a corporation—a bank—created by a State, laid not for revenue, it is true; but most guardedly not sustained upon the ground, or pretended as being for the sake, or for the purpose, or upon any assumed or imagined power to depress or burden the business of one class of our citizens in order to give a corresponding profit and advantage to the business of another class. The court says you can tax to two purposes: first, persons and property for revenue; second, State-bank notes in order to sustain or make possible the Federal currency; and here the court stops. It does not say that you can police the industries of the country, which is one thing this bill attempts to do, and which is the least objectionable feature; and it distinctly says that you can not tax to set up one class and to put down and oppress another, which is the main thing this bill proposes to do. Hence when we turn to the case the committee cites we find that it leaves them not only no ground to stand upon, but it positively denies what they claim.

It is quite striking, then, to observe that the very report which the committee cites denies to it every particle of the ground that is claimed. In addition to this, and as further bearing upon the constitutional power claimed, we must all know, as has been frequently stated on this floor, that there are some twenty States which by legislative act have regulated the production and sale of this article. Gentlemen know perfectly well that with us power never reposes in two places at the same time. The States can not have this power to give or deny citizenship and equality or inequality to pursuits and Congress also have the power. It is strange that gentlemen who claim this power for their respective States will yet come upon this floor and ask us also to exercise it, while not denying that their local authorities possess it. It is idle to say that we punish counterfeiting of money. Of what money? Why, of coin or of currency, the only money we issue or authorize. Do we punish the counterfeiting of State scrip? No; the States do that. Neither should we seek to invade any other feature of State jurisdiction. Mr. Chairman, this bill seems to mark a new departure. It contains the germs of immense disorder, and the support it receives must convey grave alarm to every reflecting mind.

[Here the hammer fell.]

Mr. SCOTT. I would like to ask the gentleman from Arkansas a question.

Mr. BRECKINRIDGE, of Arkansas. I will give the gentleman an opportunity when I next obtain the floor.

Mr. BROWNE, of Indiana. I have said, Mr. Chairman, that if this bill is for the purpose of raising revenue it is constitutional. I have assumed that, while such may be its result, it is not its purpose. It is said, however, on the other hand, that the purpose of the bill is to prevent the sale in our markets of a filthy and unhealthful article as food. If that be the purpose there is not a lawyer professing to know anything about the Constitution who does not know that to declare an act of this kind criminal and impose upon it penalties is beyond the legislative power of the Congress of the United States.

The bill is not intended for that purpose. Even if we had the right to enact legislation of that character, this bill is not designed for that purpose, as I have stated, because it is admitted by every man—I assume it is admitted because I have heard no man contradict it—that oleomargarine may be made and is made a cleanly, healthful food product. This bill proposes to take the cleanly, healthful product and impose upon this legitimate article of food the same penalties—I speak of them as penalties—which it imposes upon the impure and unhealthful commodity. Therefore it is not the purpose of the bill to protect the people from the unhealthful and the impure. I think nobody has pretended that such is its purpose.

It is said, then, that the object of this bill is to prevent oleomargarine—and I use that term to cover all these commodities—from being sold as butter. I submit that such legislation is within the jurisdiction of every State. I assume what I think no man will question, that it is within the power of every municipal corporation in every one of the thirty-eight States of this Union. Does any man question it?

But, it is said, there comes up a cry all over the land from the farming interests of this country for this kind of legislation. What kind of legislation? Legislation to compel these food products to sail under their true colors. Is that the case? Gentlemen, let me appeal to you earnestly, for you are in earnest. Is it your simple, your sole purpose to have the people protected from buying as butter that which is not butter? If it is, let me ask you, are you in earnest in assuming that it is necessary to impose upon the manufacturer of a healthy food product a special license tax of \$600? Is it necessary in the second place to impose upon the wholesale dealer in this healthful food product a special license tax of \$480? It is necessary to impose upon the retail dealer a special tax of \$48? And then to put on the product, which is stated to amount to 200,000,000 pounds annually, a special internal-revenue tax of 10 cents a pound?

[Here the hammer fell.]

Mr. HATCH. I move that the committee rise.

Mr. BROWNE, of Indiana. I hope the gentleman will allow me to conclude my remarks before he makes that motion.

Mr. HATCH. I thought the gentleman had finished. I withdraw the motion for the present and yield to the gentleman.

Mr. BROWNE, of Indiana. I thank the gentleman.

Now, if such taxation as I have just recited is not necessary, how much is necessary? Just so much as will put this commodity within the jurisdiction of the proper revenue machinery of the United States and secure some revenue—a quantity sufficient to pay the expenses of the machinery which is intended to protect the people. Is \$20,000,000 of taxation added to these special license taxes required for that purpose? Why, sir, a taxation of 1 cent on the pound would, if your statistics are stated correctly, yield \$2,000,000 annually. When you add to that these special taxes how much would you obtain? I do not know; but if you impose a tax of 2 cents a pound it will bring into the Treasury of the United States \$4,000,000 annually. Is that enough to put oleomargarine under its true colors? If it is, I will vote with you.

But when you propose to impose all these additional taxes, what object do you intend to accomplish? You intend to destroy an industry—to destroy an industry that demands the healthy product of the farmer's animals—the healthy product of his ox and his hog. You propose to destroy an industry that adds to the value of the farmer's ox and the farmer's swine. And you attempt to do this in his interest! In this way you impair the value of the farmer's cattle and swine, and rob one class of agriculturists for the benefit of another class.

Why, Mr. Chairman, I saw in a paper the other day a statement that may astonish you when you think of the representative of the people to whom that statement applies. I represent a district that has a smaller percentage of illiteracy than any Congressional district in the United States. This, when you remember who represents it, may be considered a paradox; I can not help that. But I wish to say that this constituency of mine is very largely made up of farmers engaged in raising milk and cream and selling butter; and this intelligent constituency has not sent me a petition in reference to this bill, and, with one exception, I have not received a letter upon this subject. Yet gentlemen are asserting loudly that this measure is being demanded by all the intelligent and industrious farmers of the country. I deny it. The demand comes from a single branch of the farming industry. Have the raisers of beef-cattle and fatted hogs called for it? My farming constituents largely interested in these industries have asked no protection.

I can account for their silence on the supposition they have implicit confidence in the wisdom of their Representatives. [Laughter.]

Now, Mr. Chairman, allow me to say, if, gentlemen, you are honest, if you intend simply to allow this thing to be sold for what it is, if you mean that, and if you will so amend the bill it will accomplish that purpose, and that only, I will vote for it. But if you intend to use me or my vote as an instrumentality to destroy any honest and legitimate industry of this country, however small or however feeble, and in favor of another, however strong and powerful, or however numerous its supporters may be—if you expect to use me as an instrument in that direction you have mistaken the man. [Great applause.] I will go home to my constituents and defend my action, and if they do not like my vote in defense of liberty, justice, and fair play they can send some one else in my place. [Renewed applause.] I will vote for this bill if it be made to protect the consumer of oleomargarine from imposition, but I can not vote to destroy—destroy wantonly—an industry that is capable of supplying a cheap and healthy food to the toiling poor.

Mr. HATCH. Unless I can get the consent of the committee to take a vote on the pending amendment I will move that the committee rise to close debate. [Cries of "Vote!" "Vote!"] I hope the committee will give its consent to close debate and thereby save time.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Arkansas. I ask for a division.

Mr. HATCH. I hope the committee will vote the amendment down.

The committee divided; and there were—ayes 50, noes 96.

Mr. BRECKINRIDGE, of Arkansas. No quorum has voted.

The Chairman appointed as tellers Mr. BRECKINRIDGE, of Arkansas, and Mr. HATCH.

The committee again divided; and the tellers reported—ayes 52, noes 113.

So the amendment was disagreed to.

Mr. HAMMOND. I offer the following amendment.

The Clerk read as follows:

Add as follows:

"That hereafter it shall not be lawful for any manufacturer, merchant, shop-keeper, or other person to sell or expose for sale within the District of Columbia, or any of the Territories of the United States, the produce known as oleomargarine without first branding, marking, or labeling the same in a legible manner and conspicuous place with the word 'oleomargarine,' so as to be easily observed by persons offering to purchase, and also without first informing the person offering to purchase that the article is oleomargarine.

"It shall not be lawful for any proprietor, keeper, or manager of any hotel, inn, restaurant, or house of public entertainment to furnish, offer, or set before, or permit to be offered, furnished, or set before his guests, in the District of Columbia, or in any of the Territories of the United States, the article known as oleomargarine without first putting his guests upon notice by posting in conspicuous places in the dining-room and in all other rooms where the guests of such house

are accustomed to take meals, and also in private rooms of the guests, so that it can be easily observed and read by the guests, in the following words: 'This house uses oleomargarine;' and also have said notice on their bills of fare when such bills of fare are used by any such house."

Mr. HATCH. I desire to make a point of order on that amendment, that it is not germane to the section. I will tell the gentleman if he will carefully examine the succeeding sections of the bill he will agree with me if he desires to offer this amendment in good faith it had better be offered to a subsequent section of the bill.

Mr. HAMMOND. I have carefully examined the other sections of the bill and I do not agree with the gentleman it ought to be offered at that place. If I have my choice, that place never will be reached in this bill. [Laughter and applause.]

Mr. HATCH. That is what I supposed.

Mr. HAMMOND. I suppose that was obvious from my conduct on two or three occasions on this floor. [Laughter.]

Now, Mr. Chairman, the amendment, in short, is simply a copy of the Georgia statute. That which Georgia had the right to do within her limits the United States has a right to do within the District of Columbia and within the Territories of the Union.

That marks oleomargarine wherever it is used. It suppressed its use in my State. If gentlemen are honest enough to suppress its use in the United States then let them vote for that amendment.

Mr. HATCH. I want a vote.

The CHAIRMAN. The gentleman withdraws the point of order. The question recurs on Mr. HAMMOND'S amendment.

Mr. HENDERSON, of Iowa. Is this offered as an amendment or as a substitute?

Mr. HAMMOND. As an amendment to the second section of the bill.

The committee divided; and there were—ayes 92, noes 85.

So the amendment was agreed to.

Mr. BRECKINRIDGE, of Arkansas. I desire to offer an amendment to the bill. I move in the second section to strike out the words "or calculated;" so it will read:

In imitation or semblance of butter, or intended to be used as butter or for butter.

Mr. HATCH. I will move that the committee rise for the purpose of closing debate.

Mr. BRECKINRIDGE, of Arkansas. I have the floor.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE], having moved an amendment, is entitled to the floor.

Mr. HATCH. I will give the gentleman his five minutes.

Mr. BRECKINRIDGE, of Arkansas. I am very much obliged to the gentleman for giving what belongs to me.

Mr. HATCH. I proposed to give the gentleman time after the House had agreed to limit the debate.

Mr. BRECKINRIDGE, of Arkansas. I prefer to occupy my own time.

That amendment, Mr. Chairman, it will be perceived, proposes to strike out of line 12 the words "or calculated;" and I make the motion for the reason that I think the words as used there are entirely too vague and indefinite. Crime consists, generally, in the intention; but under the language of this bill if any one should make a commodity that may be judged to resemble this article, even without any intention to pass it as butter, if it were merely "calculated" to be used as butter, they would be guilty of a crime and subject to the punishment imposed. Hence I think the words should be stricken out and only retain in the section the words "or intended;" and I believe the committee, if they will examine the lines indicated, will not doubt the propriety of the amendment.

Mr. BUTTERWORTH. I rise to a question of order. We would like to hear the gentleman.

Mr. BRECKINRIDGE, of Arkansas. I must beg not to be interrupted now.

Mr. BUTTERWORTH. Well, the gentleman desires that we should know what he is talking about, I presume.

Mr. BRECKINRIDGE, of Arkansas. I thank the gentleman for attributing to me a characteristic which I know is not very common; but it is my time, and I ask not to be interrupted.

The CHAIRMAN. The Chair understood the gentleman from Ohio to raise a question of order.

Mr. BUTTERWORTH. I simply desired to call the attention of the gentleman from Arkansas to the fact that we have not been able to hear the amendment read, and consequently can not understand the burden of his remarks. I hope he will allow us to go along with him in the discussion.

Mr. BRECKINRIDGE, of Arkansas. If my friend will honor me with his attention now I will tell him exactly what I propose. I call his attention to line 12 of the second section of the bill, and the proposition is to strike out the words "or calculated." That is the pending amendment.

Now, Mr. Chairman, I have said that this is the first effort ever made in Congress to subsidize selected industries of the country by internal taxation—the very first, indeed, that is not strictly for revenue; and, further, it does not lessen the force of my point to cite the one single

case where the circulation of State-bank notes was stopped under the form of taxation in order to secure the circulation of Federal notes.

The Federal Congress is now undertaking for the first time to determine by internal taxes what the people shall eat and what they shall drink. And this comes at a time when Congress is singularly derelict in exercising its lawful and proper functions. What we need is to remove taxes, not to increase them. But you must obtrude into the police or social questions of the people. How long do you think you will be able to keep the temperance question out of Congress? How long do you think you will be able to deny the constitutional power of Congress to regulate the question of temperance if you pass this bill? How long can you refuse to consider those who mix cotton with wool and silk, and flax with jute, and all such local questions if you pass this bill?

What aspiration is there of creed or greed or course of action, or of fanatical faction, if you please, that will not come with hungry wits, dashing like fierce waves against the base of the Capitol, or rushing fiercely through its corridors, demanding that we take note of their grievances, their pet arguments or schemes of speculation, and take them out of the domain of local agitation of personal discussion, and redeem them from the restrictions of municipal control or State control? And all these things, as to what shall survive, what industry shall have citizenship, what belief itself even, shall have reputation or existence in communities, will come here for determination.

Sir, it opens Pandora's box to every question of business and morals and fanaticism, and to every demand of speculation and avarice that is conceivable; and when you have, under the form of taxation, gone beyond the question of revenue and taxed those things that are called the vices of the country, but which the States permit, until you have destroyed them, you will have nothing but the virtues of the country to feed upon for revenue.

When you have stricken down tobacco and whisky and oleomargarine and mixed goods, with none of which we have lawfully anything on earth to do, except to tax them for revenue and upon accepted principles of revenue, if we find them in existence by permission of the States, you have got to proceed on bread and meat and upon the other necessities of life, and upon the very seed-corn of the country. I draw the line here at revenue, where I am sustained by the Supreme Court of our country, by every statesman in our history, by an unbroken line of legislative precedents, by my conception of what should be left to my State, and by my sense of obligation of my solemn oath to support and defend the Constitution of my country until it is changed by the forms and requirements of law.

See, gentlemen, to what illogical and wretched extremes this hitherto unknown and unattempted policy of taxation reduces us. See what local, petty, fireside, social, police, and gainful if not wretched questions this policy brings into Congress. It converts our wholesystem of taxation into a miserable log-rolling scheme. To-day it is butter that seeks advantage over butterine; to-morrow perhaps the South with its cotton-seed oil for cooking will want an advantage over lard. The next day beef is to have an advantage over pork or some other product, and so on through every one of the pursuits and products of the people. We shall turn ourselves into a maelstrom of confederated businesses in order that a combined majority may oppress a minority and drive them out of business or reduce them to poverty and servitude.

Now, sir, I want to look for a moment at some of the extraordinary proofs and evidences that have been brought by the committee in support of their bill.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HATCH. I move that the committee rise for the purpose of limiting debate.

The committee divided; and there were—ayes 105, noes 29.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 8328, had come to no resolution thereon.

#### ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 670) to increase the pension of the widow of the late Commander T. A. M. Craven.

#### OLEOMARGARINE.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of revenue bills; and pending that motion I move that all debate on section 2 of the pending bill and amendments thereto shall be limited to ten minutes, and upon that I demand the previous question.

Mr. BRECKINRIDGE, of Arkansas. I desire to amend the motion of the gentleman from Missouri so that the debate shall be limited to one hour.

The SPEAKER. But the gentleman from Missouri has demanded the previous question.

Mr. WILLIS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. If the demand for the previous question is voted down would the motion of the gentleman from Arkansas then be in order?

The SPEAKER. It would.

The question being taken on ordering the previous question, there were—ayes 94, noes 7.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 30, not voting 109; as follows:

#### YEAS—183.

Adams, G. E.	Ely,	Kleiner,	Sawyer,
Adams, J. J.	Ermentrout,	La Follette,	Scott,
Allen, C. H.	Evans,	Le Fevre,	Scranton,
Allen, J. M.	Everhart,	Lehbach,	Seney,
Anderson, C. M.	Farquhar,	Libbey,	Sessions,
Anderson, J. A.	Felton,	Lindsley,	Seymour,
Atkinson,	Findlay,	Lovering,	Shaw,
Ballentine,	Fisher,	Lowry,	Singleton,
Barbour,	Fleeger,	McComas,	Skinner,
Barksdale,	Forney,	McCreary,	Smalls,
Barry,	Frederick,	McKenna,	Sowden,
Bayne,	Fuller,	McKinley,	Spooner,
Beach,	Funston,	McMillin,	Spriggs,
Bennett,	Gallinger,	Millard,	Springer,
Bland,	Geddes,	Milliken,	Stahlnecker,
Bound,	Gillilan,	Moffatt,	Stephenson,
Boutelle,	Glass,	Morgan,	Stewart, J. W.
Boyle,	Green, W. J.	Morrill,	Stone, E. F.
Brady,	Grosvenor,	Morrow,	Stone, W. J., Ky.
Bragg,	Grout,	Neal,	Storm,
Browne, T. M.	Hale,	Neece,	Strait,
Brown, W. W.	Halsell,	Negley,	Struble,
Buchanan,	Harmer,	Nelson,	Swope,
Buck,	Hatch,	O'Donnell,	Symes,
Bunnell,	Haynes,	O'Ferrall,	Taulbee,
Burrows,	Heard,	O'Neill, Charles	Taylor, E. B.
Butterworth,	Henderson, D. B.	Osworne,	Taylor, J. M.
Campbell, J. M.	Henderson, J. S.	Owen,	Taylor, Zach.
Campbell, T. J.	Henderson, T. J.	Parker,	Thomas, O. B.
Cannon,	Henley,	Payne,	Thompson,
Carleton,	Hepburn,	Payson,	Townsend,
Caswell,	Herman,	Peel,	Van Schaick,
Comstock,	Hiestand,	Perkins,	Wakefield,
Conger,	Hires,	Peters,	Ward, J. H.
Cooper,	Hiscock,	Pidcock,	Weaver, A. J.
Cowles,	Hitt,	Plumb,	Weaver, J. B.
Cox,	Holman,	Price,	Weber,
Culberson,	Hopkins,	Randall,	West,
Cutcheon,	Howard,	Raney,	Wheeler,
Davenport,	Hudd,	Reed, T. B.	White, A. C.
Dawson,	Jackson,	Richardson,	White, Milo
Dockery,	James,	Rockwell,	Whiting,
Dorsey,	Johnson, F. A.	Romeis,	Wilkins,
Eldredge,	Johnston, J. T.	Rowell,	Wolford,
Ellsberry,	Johnston, T. D.	Ryan,	Worthington.
	Kelley,	Sadler,	

#### NAYS—30.

Barnes,	Gibson, Eustace	Martin,	Tucker,
Catchings,	Harris,	McRae,	Turner,
Daniel,	Herbert,	Morrison,	Van Eaton,
Dargan,	Irion,	Perry,	Wadsworth,
Davidson, A. C.	Jones, J. H.	Snyder,	Wilson,
Davidson, R. H. M.	Laffoon,	Stewart, Charles	Wise.
Dunn,	Lanham,	St. Martin,	
Gay,	Lawler,	Tillman,	

#### NOT VOTING—109.

Aiken,	Curtin,	Laird,	Reid, J. W.
Arnot,	Davis,	Landes,	Reese,
Baker,	Dibble,	Little,	Rice,
Belmont,	Dingley,	Long,	Riggs,
Bingham,	Dougherty,	Lore,	Robertson,
Blanchard,	Dowdney,	Louttit,	Rogers,
Bliss,	Dunham,	Lyman,	Sayers,
Blount,	Eden,	Mahoney,	Steele,
Breckinridge, C. R.	Foran,	Markham,	Stone, W. J., Mo.
Breckinridge, WCP.	Ford,	Matson,	Swinburne,
Brown, C. E.	Gibson, C. H.	Maybury,	Tarsney,
Brumm,	Glover,	McAdoo,	Taylor, I. H.
Burleigh,	Goff,	Merriman,	Thomas, J. R.
Burnes,	Green, R. S.	Miller,	Throckmorton,
Bynum,	Guenther,	Mills,	Trigg,
Cabell,	Hall,	Mitchell,	Viele,
Caldwell,	Hammond,	Muller,	Wade,
Campbell, Felix	Hanback,	Murphy,	Wait,
Campbell, J. E.	Hayden,	Norwood,	Ward, T. B.
Clardy,	Hemphill,	Oates,	Warner, A. J.
Clements,	Hewitt,	O'Hara,	Warner, William
Cobb,	Hill,	O'Neill, J. J.	Widborn,
Cole,	Holmes,	Outhwaite,	Willis,
Collins,	Houk,	Pettibone,	Winans,
Compton,	Hutton,	Phelps,	Woodburn.
Crain,	Jones, J. T.	Pindar,	
Crisp,	Ketcham,	Pirce,	
Croxton,	King,	Reagan,	

So the previous question was ordered.

Mr. SOWDEN. I ask unanimous consent to dispense with the reading of the names.

Mr. BRECKINRIDGE, of Arkansas, and Mr. VAN EATON objected.

The following additional pairs were announced:

Mr. LOUITT with Mr. WOODBURN, on the pending bill.

Mr. OATES with Mr. GOFF, for the rest of the day. Mr. OATES, if present, would vote against the pending bill.

Mr. COLLINS with Mr. GLOVER, on this bill. Mr. GLOVER would vote for the bill and Mr. COLLINS against it.

The result of the vote was then announced as above stated.

The SPEAKER. The question is now on the motion of the gentleman from Missouri [Mr. HATCH] to limit debate on the second section of the pending bill and all amendments thereto to one minute.

The motion was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Missouri, that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair, and resumed the consideration of the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The CHAIRMAN. By order of the House, all debate on the pending section of the bill and amendments thereto is limited to one minute.

Mr. HAMMOND. I desire to offer an amendment.

The CHAIRMAN. There is an amendment pending which the Clerk will report.

The Clerk read the following amendment, proposed by Mr. BRECKINRIDGE, of Arkansas:

In the twelfth line of section 2, strike out the words "or calculated," so, it will read "made in imitation or semblance of butter, or intended to be used as butter or for butter."

The question being taken, the chairman stated that the "noes" seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. I call for a division. Those words ought to be stricken out.

The committee divided; and there were—ayes 71, noes 99.

So the amendment was disagreed to.

The CHAIRMAN. The Clerk will now report the amendment submitted by the gentleman from Georgia [Mr. HAMMOND].

The Clerk read as follows:

Add to section 2 as amended, the following:  
"If any person shall knowingly and willfully violate the foregoing provisions of this act he shall, upon conviction in any court having jurisdiction thereof, be punished by a fine not exceeding \$2,000, or be imprisoned for any period not exceeding one year."

Mr. HAMMOND rose.

The CHAIRMAN. Only one minute is allowed for debate.

Mr. HAMMOND. And that minute is altogether ample for my purpose. This is simply to make the proper penalty for the violation of the law embraced in the amendment which we have just adopted.

The committee divided; and there were—ayes 75, noes 96.

Mr. HAMMOND. I call for tellers.

Tellers were ordered—44 members voting therefor.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Georgia, Mr. HAMMOND, and the gentleman from Missouri, Mr. HATCH.

The committee again divided; and the tellers reported—ayes 58, noes 109.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 3. That special taxes are imposed as follows:  
Manufacturers of oleomargarine shall pay \$600. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer of oleomargarine.

Mr. HAMMOND. Mr. Chairman, I rise to a question of order. This section of the bill is divided into paragraphs. The paragraph just read defines who shall be regarded as manufacturers. The next paragraph prescribes the tax. I submit that, this being a separate paragraph dealing with a distinct matter, it ought to be subject to amendment by itself.

Mr. HISCOCK. This whole section applies to one subject.

The CHAIRMAN. The Clerk will read the whole of the section, but in order to facilitate the business of the committee the Chair will entertain amendments to the separate paragraphs.

The Clerk completed the reading of section 3, as follows:

Wholesale dealers in oleomargarine shall pay \$480. Every person who sells or offers for sale oleomargarine in the original manufacturer's packages shall be deemed a wholesale dealer in oleomargarine. But any manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells only oleomargarine of his own production at the place of manufacture in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in oleomargarine on account of such sales.

Retail dealers in oleomargarine shall pay \$48. Every person who sells oleomargarine in less quantities than 10 pounds at one time shall be regarded as a retail dealer in oleomargarine. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes im-

posed by this section and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year the special tax shall be reckoned from the 1st day of July in that year, and shall be \$500.

Mr. DUNHAM. I move to amend section 3 by striking out, in line 2, the words "six hundred" and inserting "one hundred."

Mr. Chairman, I stated to the House yesterday that I should offer to-day an amendment proposing to reduce the tax upon the manufacturer of this article from \$600 to \$100. I offer this amendment because the taxes generally imposed upon manufacturers under existing internal-revenue laws do not in any case reach the sum of \$600. The rectifier of whisky to an amount less than 100 barrels pays a tax of only \$100; the rectifier of whisky to an amount over 500 barrels is taxed only \$200. Further along in this bill there is provision made for a tax upon the product itself, and the object of this assessment upon the manufacturer is simply to require him to take out a license and be identified with and come under the internal-revenue system.

The tax proposed on the product itself certainly all that is wanted. Where a man makes, perhaps, a million pounds of this product and pays a tax upon that, it should be sufficient, without requiring him to pay an extra \$600 simply for the privilege of keeping his works running. The proposition seems fair to reduce this tax from six hundred dollars to one hundred, and I hope the House will accept it.

Mr. MILLIKEN. Mr. Chairman, I hope the amendment of the gentleman from Indiana [Mr. BROWNE] will not prevail. It is stated here, and not denied by the friends of the manufacturers of oleomargarine, that it can be made at 8 cents a pound. It is not denied that it sells for at least 25 cents a pound. Now, if a tax of 10 cents a pound is levied upon it, and the \$600 provided in the bill instead of \$200 to which this amendment reduces it be demanded, still the entire tax will not amount to more than 12 cents a pound, and the manufacturer of oleomargarine will be making a very handsome profit.

Gentlemen tell us that this is a pure article of food. If that is the case why does it not go forth under its own name? Do you ever see an honest man registering himself under a false name? Are the fellows who go around under aliases honest men? If this is an honest article of food, as good as butter, why do not the manufacturers and dealers brand it and sell it as oleomargarine? One word more in reply to my friend from Illinois [Mr. LAWLER]. He says that the poor men, the workingmen, want this food. I say that the workingmen of this country want the best food they can get; they do not want cheap and nasty food; and if this imitation butter is taxed out of existence I have no doubt there is, or soon will be, sufficient capacity in the dairies of this country to give the workingmen butter that will be at the same time both good and cheap.

Why, sir, if you allowed counterfeit money to be circulated all through the community do you suppose that you would have a sufficient amount of good money to supply the people with currency? Certainly not. The counterfeit would crowd out the good money. Just so this oleomargarine is crowding out good butter. It is diminishing our dairy products, diminishing the number of our dairies, causing the slaughter of the cows, and if its unlimited manufacture is to go on the result will be that you will have a supply of this counterfeit butter and nothing else.

Mr. JOHNSTON, of Indiana. Mr. Chairman, I move *pro forma* to amend by striking out the last word. Sir, I assume that every gentleman who favors this bill, as well as every gentleman who opposes it, is in earnest. The gentleman from New York [Mr. HISCOCK], in discussing this question, started out by admitting that oleomargarine in itself may be pure and wholesome, not injurious to public health. The gentleman from Illinois said that the farmers are not afraid of competition with this article if it be so marked that the man who buys it may know what he is buying. Now, I assume, of course, that these gentlemen are honest in stating these propositions. That being so, all we need to do is to put such a tax upon oleomargarine that the manufacturer and the retail dealer shall be required to sell it for what it really is.

When we have accomplished this, we shall have accomplished all that should be sought by a bill of this kind. But the man who wants to buy oleomargarine should be allowed to do so without paying an excessive price for it. While imposing such a tax that the manufacturer and retail dealer shall be obliged to sell this commodity for what it actually is, we should not compel the man who buys it to pay, on account of this taxation, 12 or 15 cents a pound more than he would otherwise be compelled to pay.

Sir, I am in favor of a bill of this kind, but I am not in favor of taxing this commodity out of existence. If, as has been said here, this article can be so made as not to be distinguishable from butter, so as to be as healthful as butter, then I believe the man who works for 80 cents or \$1 a day should not be compelled to pay 40 or 50 cents a pound for butter. The gentlemen who drew this bill have gone too far.

The gentleman from Iowa [Mr. STRUBLE] has said that we export more oleomargarine than butter, and in this way our foreign trade is cut down. But, sir, this very bill proposes to say to the men who manufacture oleomargarine, "You may export this article and practice a fraud upon those who reside out of the country, and you need pay no tax upon this exportation."

Mr. STRUBLE. I stated that I was opposed to that section of the bill. I am in favor of taxing that portion of the product which is exported as well as that portion which is sold in this country.

Mr. JOHNSTON, of Indiana. Now, the friends of this measure who say they wish to pass a bill which shall protect the men who buy oleomargarine ought not to impose such taxation as to tax this commodity out of existence, thereby using the taxing power of the Government as a means of legislating against one class of people and in the interest of another. You might just as well say, "We will buy the use of the taxing power, protect one class of manufacturers while we oppress another." Let us be honest about this matter and impose simply such taxation as will secure the proper marking of this commodity wherever sold. But let us not tax it out of existence. If a man wants to buy this article and does so knowing exactly what it is let him buy it at a reasonable price.

[Here the hammer fell.]

Mr. JOHNSTON, of Indiana. I withdraw my *pro forma* amendment.

Mr. HISCOCK. Mr. Chairman, the opponents of this bill have put into the mouths of those who favor it every conceivable argument. In addition to the charge that we are supporting an unconstitutional measure, it is urged by one gentleman who has addressed the committee that we are attempting to "tax out of existence" a "healthful product." Sir, I have no hesitation in standing upon the ground that we are attempting to protect a healthful product against the unfair competition of a fraudulent and poisonous product.

It is true, I have said, as the gentleman from Indiana states, that oleomargarine can be made pure; yet I have here a characteristic description of the manner in which it is in fact made; and I will read some portions of this description as a reply to gentlemen who say we are attempting to "tax out of existence" a "healthful product," which the laboring men desire to purchase as food.

Mr. DUNHAM. And after the gentleman has read that let him read a description of the manner in which some butter is made.

Mr. HISCOCK. I read the testimony of Mr. Michels, of New York, a well-known microscopist and the editor of a scientific journal. He says that—

Oleomargarine is simply uncooked, raw fat, never subjected to sufficient heat to kill parasites which are liable to be in it; that those who eat it run the risk of trichinae from the stomachs of animals which are chopped up with the fat in making it.

That is your "healthful product!" I have also here the testimony of Dr. R. U. Piper, of Chicago, who says that—

His attention was first called to the subject by an article published by Mr. Michels, in the American Journal of Microscopy. Since then he has examined a large number of specimens. He testifies that, while no true butter can carry trichinae, eggs of the tape-worm, &c., he has found in oleomargarine not only organic substances in the form of muscular and connective tissue, and various fungi, but also living organisms which have resisted boiling, acetic acid, and eggs resembling those of the tape-worm. These he has preserved to be shown to any one who may desire to see them, and he has also microscopic photographs of them.

Rev. E. Huber, microscopist, of Richmond, Va., writes in the Southern Clinic of May, 1880:

Oleomargarine differs in its microscopical appearance as well as in its nutritive and dietic qualities from true butter; that the fats in it are not subjected to a heat sufficient to destroy the germs of septic and putrefactive organisms, and that there may also be introduced into the system by its means the eggs which develop in tape-worm. And he also states that he has frequently found in oleomargarine eggs resembling those of the tape-worm.

Dr. George B. Harriman, a most respectable microscopist of Boston, "examined some twenty specimens of oleomargarine obtained from different dealers, and had found in every specimen more or less foreign substances, a variety of animal and vegetable life. Among those were corpuscles from a cockroach and small bits of claws, the blood corpuscles of sheep, the egg of a tape-worm. Yeast was found sprouting in considerable quantities and spores of fungi were very prevalent. A portion of a worm, a dead *hydra viridis*, portions of muscular fibers, fatty cells, and eggs from some small parasite were among the discoveries."

This is your "healthful product?" that you would not have "taxed out of existence." Neither would I; but I desire gentlemen should understand the ground upon which we plant ourselves. We desire to give protection to an honest industry against this fraudulent one which I have described.

Mr. JOHNSTON, of Indiana. Will the gentleman yield a moment?

Mr. HISCOCK. I can not unless the gentleman will yield me further time.

Mr. JOHNSTON, of Indiana. I will yield you all the time I have. [Laughter.]

Mr. MORRISON (to Mr. HISCOCK). Say over again what you said about "protection," so that the chairman of the committee [Mr. HATCH] may hear it.

Mr. HISCOCK. My friend from Illinois asks me to repeat the utterance I made in reference to "protection." Since I am invited to do so I take pleasure in reading some remarks of Daniel Webster upon that subject:

Mr. President, this power of discrimination, thus admitted, avowed, and practiced upon in the first revenue act, has never been denied or doubted until

within a few years past. It was not at all doubted in 1816, when it became necessary to adjust the revenue to a state of peace. On the contrary, the power was then exercised, not without opposition as to its expediency, but, as far as I remember or have understood, without the slightest opposition founded on any supposed want of constitutional authority. Certainly South Carolina did not doubt it. The tariff of 1816 was introduced, carried through, and established under the lead of South Carolina. Even the minimum policy is of South Carolina origin.

The honorable gentleman himself (Mr. John C. Calhoun) supported, and ably supported, the tariff of 1816. He has informed us, sir, that his speech on that occasion was sudden and off-hand, he being called up by the request of a friend. I am sure the gentleman so remembers it, and that it was so; but there is, nevertheless, much method, arrangement, and clear exposition in that extempore speech. It is very able, very much to the point, and very decisive. And in another speech, delivered two months earlier, on the proposition to repeal the internal taxes, the honorable gentleman had touched the same subject, and had declared "that a certain encouragement ought to be extended at least to our woolen and cotton manufactures."

"Sir, it is no answer to say that the tariff of 1816 was a revenue bill. So are they all revenue bills. The point is, and the truth is, that the tariff of 1816, like the rest, did discriminate; it did distinguish one article from another; it did lay duties for protection."

The CHAIRMAN. Debate on the pending amendment is exhausted. Mr. BRECKINRIDGE, of Kentucky. I move to strike out the last word.

Mr. FINDLAY. Allow me to present an amendment. I do not propose to say anything about it.

Mr. HAMMOND. Do not yield.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out the last word.

Mr. Chairman, the question that is of the most importance to my mind in the consideration of this measure is not the relative value and purity of the article known as oleomargarine or of butter; and I do not desire to submit any observation on these subjects nor upon anything which has been said about these two products.

But the question is as to whether the American Congress shall deliberately proceed, in the line of a new departure, to use the internal-revenue taxing power for any purpose other than that of raising revenue.

This measure, however demanded, for whatever purpose introduced, supported by whatever argument, is, when you reduce it to its ultimate analysis, the use of the sovereign power of taxation for the purpose of aiding a competitor in trade in the race for profit. [Applause.]

Now, what I desire to say is only to emphasize that issue so that we may understand and the country will understand what it is we are doing to-day.

We do not need the revenue, for the figures show that by the present internal-revenue taxation for this year we will receive from tobacco and spirits, and from the duties imposed on imported tobacco and spirits, about \$109,000,000. With the sugar duties added to this, making about \$160,000,000, all the war expenditures can be met by these three articles.

The pensions are about \$80,000,000, the sinking fund, \$46,659,000, the interest on the public debt about \$44,622,589. So that these three articles—sugar, tobacco, and spirits—will pay all the war expenditures which the Government must liquidate.

The customs will leave us perhaps thirty millions or over more than the sums which by the estimates of the Departments are necessary for the year 1887.

On page 254 of the Book of Estimates the aggregate estimated expenditures for the year 1887 are \$339,589,552.34. Of this sum \$75,830,200 are for pensions, \$46,659,000 for the sinking fund, \$44,622,587.28 for interest on the public debt; so that these three items, all being war expenditures, aggregating \$167,111,789.28, are to be met by war taxes, by the internal revenue on spirits and tobacco, and the remainder over the sum collected on these two articles can be well paid by the duties on sugars. These taxes are literally taxes, absolutely so as to spirits and tobacco, almost so as to sugar, 85 per cent. of the imports on sugars going into the Treasury.

So that we have ample revenues for all the purposes of the Government and a surplus of at least thirty millions. This of necessity brings us face to face, whether we desire to face it or not, with the problem, how shall we sort out these taxes, how shall we eliminate from the objects of taxation so as to reduce these excessive revenues somewhat to meet the mere necessities of the Government? From what shall we take off the burden of taxation, what shall be relieved from the taxing power, not what shall we hunt to subject to new burdens.

There are \$30,000,000 over and above our necessary revenues. Where shall we lift the burden of taxation? This is the real problem which meets us.

This bill proposes not to relieve taxation. And lest I forget it in the limited time allotted to me I here remark that the power of taxation is a trust power. All powers granted to governments, whether they be despotic or republican governments, are trust powers. They are powers delegated by the people to the organism known as society, acting through prescribed agencies called a government, merely for the purpose for which governments are organized. Now this trust power—

The CHAIRMAN. The gentleman's time has expired.

Mr. THROCKMORTON. I will take the floor and yield my time to the gentleman from Kentucky.

Mr. BRECKINRIDGE, of Kentucky. I thank the gentleman from Texas.

Now, this trust power, this power of taxation, given to us solely as trustee, to be exercised only by necessity and solely for the purpose of raising revenues, which revenues can only be justified by necessary expenses—this taxing power is now under this bill sought to be used for the first time in the history of the Government in a competitive race between rival industries.

For, sir, the exercise of the power heretofore by which 10 per cent. was laid on the circulation of State banks was not a contest between citizens, but it was a contest between the General Government, acting through its bank agencies, the national banks, and the State banks; and it was justified simply because those national banks in that day of peril to the credit of the nation were necessary to be sustained and encouraged as its financial agents in operations of stupendous amounts and absorbing interest, in times of great urgency demanding extraordinary measures.

They were all for the benefit of the Government; not for the special benefit of citizens or any particular industry. But here the power of taxation is used for the purpose of destruction. Now for the first time we enter into private controversy between internal industries. However wide our differences have been or are as to the use to which the power of levying imposts could or ought to be put, however earnest the contention about the protection to be given through customs, all agreed that the Government ought not to enter into partnership with one home industry to injure another home industry; no one seriously urged that the common Government, instituted for the common good, supported by all the citizens, should deliberately, under any excuse, exercise its power of taxation as a means of destruction to one industry, or as a bounty or aid to a rival industry.

I agree in full with what fell from the lips of the gentleman from Illinois [Mr. MORRISON], the chairman of the Committee on Ways and Means, this morning, that as between customs duties and internal revenue, when we can come to the point of election, I am in favor of customs duties wisely and justly levied as relieving the country from the machinery which necessitates espionage, that must be offensive, that can not possibly, no matter how well administered, be administered so as not to be a burden.

It may be hereafter, Mr. Chairman, in those happy days when our public debt is paid—God speed the day—and when the pension-roll is a memory, and when only the ordinary civil administration of the Government causes expenditures, that our children may see economic questions in a different light, and may prefer to raise their revenues by excises and internal taxation. To-day spirits, tobacco, and sugar would pay without increased duties or taxes all the civil expenditures of the Government.

If from the \$339,589,552.34 of estimated expenses is taken the sums before set out as estimated for pensions, the sinking fund, and the interest on the public debt, \$167,111,789.28; the \$3,877,410 for interest on the Pacific Railway stock, which is really a legacy of the war and which is temporary in its nature; the \$26,860,016.76 estimated for public works, a sum unnecessarily large, and dependent on annual and always doubtful legislation; the \$4,000,000 estimated as necessary for repayment to importers in excess of deposits, and the \$8,500,000 as drawbacks or customs allowances, the amount annually expended in the ordinary administration of our Government would be, on the estimate for 1887, \$130,000,000; while the taxes on spirits, tobacco, and sugar would realize \$160,000,000. And with these or such relative figures before them our children might conclude that a race so thrifty and brainy, possessing a country so blessed with all material wealth, could outstrip the world in a free, equal, untrammelled industrial competition, and thus prefer to support their Government by these duties rather than by customs dues. But for to-day, with an unpaid public debt and an increasing pension-list, we must submit to both tariff and internal taxation.

But I am not now willing to increase these offices, enlarge this machinery, add to its powers, and change its nature by making it in the mind of the country a machinery that can be employed to help one industry in the race with another. That is the simple problem presented here to-day by the pending bill. It is covered with the abuse of oleomargarine; it is clothed with praises of the dairymen; it is enwrapped in rhetorical figures about the farmers; it is made plausible with appeals to prejudice and passion; but stripped of all these, it is simply that we shall go in this road, that we shall undertake this new departure, to use the process and powers of taxation to build up one industry at the expense of another.

It seems to me, Mr. Chairman, that this is the most important question that has been presented to this Congress during the few months that I have had the honor to occupy a seat here, far more important than the dairy industry, far more important than the oleomargarine industry, for it goes to the very foundation of our authority and calls in play the whole question of the taxing power of the Government. It brings us necessarily—whether we attempt to disguise it to ourselves or not, when we come face to face with our own consciences, to the consideration of the question of all questions which the representatives of a free people can discuss or legislate upon—it brings us to a decision as

to our right and the ground upon which it rests to wring from any man his money, earned by his sweat, under the taxing powers of the Government. Disguise it in any manner you please, when it has at last reached its bottom, taxation means the involuntary enforced payment by somebody of a dollar of his own money for the benefit of the Government or by the exaction of the Government for some one else. With my views the constant limitation that ought to be put upon this dangerous but necessary power is that it shall be used solely for the benefit of the Government.

Never by my consent shall the sovereign power of the nation be used to tax one man for the direct benefit of another [applause], confiscating out of one man's pocket, under the name of taxation, a dollar of sweat for another man, I care not whether he be a dairyman in the beautiful blue-grass region I love and represent or whether he be any other man engaged in any other industry in this country. A freeman's dollar in his own pocket is a sacred dollar from the hands of the Government. [Loud applause.]

I withdraw the *pro forma* amendment.

Mr. CABELL. Mr. Chairman, I represent a district the people of which are mainly devoted to agricultural pursuits, and I deny that this bill imposing a tax upon oleomargarine is in the interest of the agricultural masses of this country. While I respect the opinions of those gentlemen who hold views in opposition to my own, I must be allowed to say they make a mistake when they endeavor to palm this bill off upon the farmers of the country as one for their benefit and in their interest.

The farmers of this country are a quiet, unobtrusive, and patriotic class, and while they do not interfere in politics to the same extent as others, yet they are generally as well informed and as intelligent as any other portion of the community; are quick to see when their rights are invaded, and will not be duped into the advocacy or toleration of a measure pretendedly for their benefit but really for their injury and the injury of all those who abhor monopolies and deprecate unnecessary taxation.

For what purpose is this bill offered? Some of its advocates say to obtain revenue—money. From whom is this money to be drawn? From the people, of course. For what purpose do you want more revenue, more money from the people? It is understood that the Treasury is full; that it has in it now a surplus gathered in from taxation. What interest, then, what right, have we to tax the people, or any of them, farther? If the object was to find some other subject of taxation and by taxing that give relief to subjects already taxed by lessening the burdens attaching to them there might be some excuse for this bill. But that is not the object. None of the gentlemen contending so stoutly for this, in my opinion, bad proposition propose to reduce taxes upon anything or at all.

While some then are looking for revenue, others as earnestly protest that they would tax oleomargarine because it is a deleterious compound, offensive to the tastes and injurious to the health of the people. Let us see. Gentlemen have cited here the testimony of some of the best chemists and physicians of the country to the effect that oleomargarine is neither offensive to the taste or smell, nor yet injurious to health. It is shown that its manufacture is a large and growing industry; that a great deal of the product is exported to foreign countries, and much of it sold to poor people and laborers, who choose to buy it because of its cheapness and because they like it. Are you going to take away the "poor man's butter" without his consent?

Injurious to health! Who says so? The great dairymen of the North and West, who are interested to build up monopolies in the butter and cream business; who are interested in enhancing the price of their own commodities at the expense of others; who desire to crush out a rival industry to the end that theirs may thrive; who desire to bring the whole butter interests of the country in subjection to them; who, in short, desire that the Government shall "hold while they skin" the forced consumers of what they are pleased to term "honest butter." Of course nobody ever has good butter except these saintly dairymen!

You can not hoodwink the people in any such way. The people of this country can well comprehend when a product is presented to them whether it is offensive or whether it is injurious to them or not. Do gentlemen upon this floor really believe that the farmers and laboring men of this country have not the intelligence to know their own minds and their interests when a bad commodity is offered to them either for food or as an article of merchandise? Are you going to say to those people that they are so wanting in prudence and intelligence that Congress must interpose to save them from bad purchases, to protect them against themselves? Shall Congress step in as a kind of guardian *ad litem* to every "case of bad butter?" Mind you, gentlemen, or you will vex the patience of these same people a little too far.

"Protection" no doubt is meant by this bill, but it is that protection which extremists desire who would build themselves up upon the downfall of their neighbors. Protection may sometimes be right, but it is of that character which incidentally results from the proper and legitimate taxation of a subject; but protection is never right when exercised in behalf of one interest for the purpose of destroying another.

Mr. Chairman, I fear that some of our friends are "slightly mixed"



upon this question, while others evade the true issue. My friend from Mississippi [Mr. MORGAN] favored this bill yesterday because it would bring in revenue. He no doubt was honest in what he said; but what, I repeat, do we want with more revenue? If that gentleman or any other had coupled with the demand for a tax on oleomargarine a proposition to abolish or even reduce the tax on tobacco or distilled spirits, I might have understood it; but no such proposition was made.

The proposition is to tax oleomargarine 10 cents per pound. It sells, it is said, at from 11 to 12 cents per pound. Will not the tax, then, drive the product and the industry out of existence? And is not that, gentlemen, the precise end in view? If it is, what right has Congress to use the taxing powers of the Government in any such way? If oleomargarine will bring only 12 cents in the market and we tax it 10, of course it goes, and one of the great industries of the country is wiped out.

I do not like oleomargarine. My people neither make it nor use it; they are too intelligent to be fooled with it, if it is as some gentlemen say. They make good butter and sell it for good prices, and always find a ready market for it; for a good article will always command a good price, and needs no other protection than its own good qualities.

I appeal at least to my brother Democrats to be careful in what is being attempted here. It is a great wrong to tax any industry when the revenue from it is not needed, and a much greater wrong to tax it out of existence to foster some other enterprise perhaps no more worthy. If it is permissible to tax oleomargarine out of existence today, by the same rule some other great industry may be destroyed tomorrow. If one section of the country should wish to make a "corner" on beef to-day they might so instruct their representatives and drive out pork to-morrow and *vice versa*. So might these same Northern and Western monopolists raise a cry against Southern butter and cheese and even tobacco interests and compass their destruction through the taxing powers of the Government. In fact if you inaugurate the system and establish the principle that the Government through its taxing powers can and will destroy any industry whether good or bad, whenever monopoly rests its baleful eyes upon it and so demands, the rights of the people are gone. "Might makes right," and tyranny takes the place of liberty and justice.

Again, Mr. Chairman, if oleomargarine is such a hurtful product as that its manufacture and use should be restricted or destroyed, I contend that that is a matter which belongs to the States. When did it become the business of Congress to pass "sumptuary laws?" When before was it ever deemed the duty of Congress to say to the people of the several States "what they shall eat, or what they shall drink, or wherewithal they shall be clothed?" For, mark you, this is not a proposition merely to levy a reasonable tax, but a proposition to tax a subject out of existence. Some of the States have dealt with this question. Some have directed that when oleomargarine is sold it shall be so marked, and other States will pass laws of the same character when necessary.

But I repeat, Mr. Chairman, that this bill has a deeper significance than the mere taxing of oleomargarine. With all courtesy I say it, this bill is intended to build up and foster the great butter and butterine monopolies in the North and West. Not only this, but it contains that which may be wrought into a cunningly devised scheme to augment, to build up, and to perpetuate that wretched internal-revenue system which for years has afflicted this country. For this, if for nothing else, would I oppose this measure. This bill if passed will become part and parcel of the internal-revenue system; under its provisions we will have a new army of officials. Inspectors, collectors, microscopists, &c., are contemplated by this bill, and then there will be that unsavory horde of spies and informers who will haunt the domain of the housewife and dog the footsteps of the citizen as he pursues his daily business. The law itself being prohibitory in its character, the 10 cents per pound having crushed out the industry, this crowd of officials and their parasites must be paid by the Government from taxes wrung from some other subject.

This is no fancy sketch. It is perfectly plain that if oleomargarine is taxed 10 cents no margin for profit will be left, consequently the business will go to nothing or be quite small; yet the corps of officials provided by this law, and which will be provided for by some other law or regulation, will stand forth and "bedevil" the people like "little men," and draw their pay all the same, like "little patriots." Is our country so happily off that we can afford to increase taxes to raise money to pay a new set of officials, or to build up and enlarge a system which for years has been a burden and a scourge to the land?

If, Mr. Chairman, this House has determined, as I believe it has, notwithstanding its many objectionable features, to pass this bill, then allow me to commend to its consideration the propriety of abolishing the tax upon tobacco and that upon spirits distilled from fruits. It can be done upon this bill, and if anything could make this bill tolerable that would do it. My colleague [Mr. DANIEL] has indicated his purpose to offer such amendments as I have suggested, and will do so at the proper time. Why should not the taxes upon tobacco and spirits distilled from fruits be abolished? Both subjects yield only some \$27,000,000. Considering the condition of the Treasury, we can read-

ily spare that amount. You know that you do not mean to remit any tariff taxes this year, and here perhaps is the only chance you will have to do something for the people. As long as a surplus remains in the Treasury, so long will Congress run into extravagance, and jobbers and monopolists try to control it. Here is the place now to get rid of part of the "surplus" and free Congress from a wasteful policy. Would we not be doing better to decrease rather than increase taxes? No taxes are more onerous or distasteful to the people than internal-revenue taxes.

The tax upon tobacco is unjust because it is a discriminating tax. It taxes the products of one or two sections of this country only, while the products of other sections go untaxed. Some say it should be taxed as a luxury; others, because it is a noxious plant and hurtful to those who use it. As to the latter objection, I shall say nothing; the wise men, the doctors, and the fanatics may settle that. In one sense tobacco is a "luxury," but it is a "necessity" to those who by climate, soil, and country are obliged to raise and manufacture it. If it is a luxury it is still an agricultural product and the poor man's luxury. Why not let him use it without tax? Do you tax the luxuries of the rich in any such way? Not at all.

Silks, satins, diamonds, watches, broadcloth, "purple and fine linen," are not taxed in any such proportion as tobacco. Besides such commodities are generally taxed because they are of foreign make and imported from foreign countries. Does Congress mean to tax American citizens and domestic products to a greater extent than foreigners and foreign goods? Is that the way to protect your own people against the "pauper labor of Europe," and to encourage home industry? Tax foreigners and foreign goods from 20 to 75 per cent., but your own people forsooth from 100 to 200 per cent. This is "protection" with a vengeance. But what surprises me most is that a good many of our so-called "free-traders" seem to have forgotten the doctrines of their fathers and have fallen in love with the excise system, which in "warp, woof, and filling" was abhorrent to the founders of this Republic.

But to return to tobacco. It is said by some that the "consumer" pays the tax, the producer is not hurt. There is a difference in the nature of things between the "consumers" of foreign goods and the "consumers" of domestic products; anybody can see that. But let us see. Who are the consumers of tobacco? True, we export a good deal, but who consumes the greater part? Our own people. Thousands and thousands of the growers and workers in tobacco use "the weed," and unlike any other people are heavily taxed upon the results of their own labor. Again, how much greater would be the area of trade, how much greater the consumption, and consequently how much greater the price to the producer and the stimulus to production, but for this tax? Moreover the tax upon tobacco is in the interests of monopoly and monopolists. Men of large means can engage in the manufacture of tobacco. Men of small means by reason of the tax can not do so. What the producer wants is a free, large, competitive market. He can not get it while the tax keeps men of moderate and small means out of the trade.

It is absurdly claimed by some that tobacco was higher soon after the late war with a high tax upon it than it has ever been since. Nominally that is true. In fact, it is not true. Then everything was higher—pork, beef, sugar, coffee, salt, iron, &c. The currency was not settled—there was a vast difference between gold and greenbacks. Then you never saw gold. Everything was bought and sold in a depreciated currency. As to tobacco, by reason of the war there was but a small amount of it on hand. The supply was nothing like equal to the demand. In spite of the tax, therefore, it bore a high price. But when specie resumption came, what was the result? Everything came down to "hard pan." Everything shrank in value and extent save the tax. Tobacco, consequently, fell in price to almost nothing; the greater part of it sold far below the cost of production; the trade languished, and the planters of the tobacco regions were almost in despair.

It was then that a few men in Congress—I am glad your humble speaker was one of them—commenced efforts to have the tax reduced, and after many defeats and much labor procured a reduction, on the 26th day of February, 1879, from 24 to 16 cents. As soon as the reduced rate took effect leaf-tobacco rose in the market from \$2.50 to \$3 per hundred pounds, and the trade in all kinds and grades of tobacco greatly revived. The tax being still oppressive we again, in March, 1883, procured a further reduction from 16 to 8 cents, and, as before, the price of tobacco increased to the farmer from \$2.75 to \$3 per hundred pounds.

To verify these statements I refer to the trade statistics from the city of Danville, Va., the center of the finest tobacco-growing section of this country; other markets I may say showed a similar state of things. In 1878, when the tax was 24 cents per pound on tobacco, there were sold upon the Danville market 27,698,828 pounds of tobacco for the sum of \$2,439,959.22, or an average of \$8.80 per hundred pounds. In 1879, with tax at 16 cents, there were sold 26,827,922 pounds for \$3,223,689.51, or an average of \$12.01 per hundred. Thus you see that sales of 1879, less in pounds 870,906 than those of 1878, brought to the farmers \$783,730.29 more money, with a greater average by \$3.21 under the reduced tax. In 1882 tobacco again reduced in price. In 1883 the tax,

as I have said, was reduced from 16 to 8 cents. Take again the sales in the Danville market:

Year.	Tax.	Pounds.	Value.	Average.
1882	\$0 16	25,572,536	\$2,509,338 89	\$9 81
1883	8	35,503,112	4,776,456 45	13 45

Here we have a greater average by \$3.64 per hundred under the operations of the reduced tax. Prices kept up in about this proportion for the years 1884-'85—the average price for 1885 being \$13.54, but this year, by reason of financial and other troubles, the prices have ruled much lower. I should have said that in March, 1875, when the tobacco tax was increased from 20 to 24 cents, tobacco declined \$4 per hundred. And I here assert that the history of this tax will show that whenever the tax was increased the price of tobacco declined, and whenever the tax was lowered the price to the farmer was increased. It is true that in one sense the consumer pays this tax, but for reasons which I have given he is not by any means the chief sufferer.

The producer has in the main to bear the burdens of this taxation upon tobacco, for, as I have often said, when the Government taxes the manufacturer he throws it back by way of a reduced price for his product upon the farmer—the farmer from necessity, if he has employes under him, throws it back upon them so far as he can by way of reduced price for their labor, and the laborers, having nobody, nor anything behind them except old mother Earth upon whom they can throw off, of necessity bear the chief burdens. And so it is that the poorer and more helpless the producers the more of this abominable tax do they pay.

I have said that the tobacco trade has been greatly depressed this year and prices have ruled low. Exactly what caused this is a hard question to answer. Some of our "Republican brethren" have charged the present depression and "hard times" to the incoming of a Democratic administration and the consequent change of policy. Sensible men, however, will hardly accept this as a reason. The change of policy has not, I am sorry to say, been as rapid or as marked, in my opinion, as it should have been; but we might well reply that the "hard times" prove but the sequel or culmination of the bad Republican policy which has been marching us on to ruin for several years.

In so far as the farmers are concerned they might well take some comfort in the recollection of the two or three fearful droughts which fell upon the country in the last years of Republican rule, the effects of which unfortunately extended over into the days of Democracy. In fact, some shrewd and knowing persons have already suggested that if the Republicans had been kept in power a few years longer we would all have been starved out. The observation looks reasonable, for sure it is under Republican rule we Democrats had a very "drouthy time."

Many reasons are given for the "hard times" now upon the country, chief among them the "labor strikes" and consequent agitation and troubles in the North and Northwest. Whether these things are true, or if true were justifiable or not, I will not discuss. The fact is they were long ago inaugurated and have continued for months. Hundreds of thousands of men have been, and are now, out of employment, earning no wages and contributing nothing to the business, trade, or commerce of the country. From active, worthy, industrious, energetic producers they and their dependents, running into the millions, have been for months consumers. Their means as also their desire to purchase has been greatly curtailed, and not only the tobacco but every other interest has felt the fearful effects of the stoppage of labor, travel, traffic, and commerce, in the great iron mines, machine-shops, manufactories, and over the great railways of the country. If these troubles can be happily settled prosperity will no doubt speedily return, and men will wonder why such things ever occur in a country where justice and conciliation ought to control in every department.

But the great trouble with the tobacco trade is the enormity of the tax. Take that off, free our people from the oppressiveness of that burden, give to the farmers who live in the tobacco regions an "equal chance in the race of life" with other agriculturists of the country, and you will have done, gentlemen of Congress, a deed worthy of all commendation.

Mr. Chairman, I wish now to call attention to another amendment, which it is understood will be offered to this bill by my colleague [Mr. DANIEL], an amendment to abolish the tax upon spirits distilled from fruits. We do not now ask to abolish the whisky tax; we know that we can not accomplish that—monopoly is too strong for that—but we believe that the time has come to abolish the tax upon fruit spirits, and we ask that it be done. The Government gets only about \$1,250,000 annually from the brandy tax.

This is the most onerous, offensive, unnecessary, and cruel tax embraced in this bad excise system. It is the tax upon the home product, and almost the only product of thousands of the mountain people of the South. Living remote from railways, these people can not profitably transport their fruit to market; consequently thousands of bushels of the finest apples, peaches, pears, &c., go to waste yearly before the eyes of its owners because they have not the means to pay the tax, or

fear to endeavor a compliance with the onerous, complex, and rigid exactions of the internal-revenue system. The collection of this small brandy tax costs the Government more, is the fruitful cause of more annoyance and trouble, and results in more wrong and outrage to these "dwellers among the mountains" than all the laws upon our statute-books combined.

No one, I suppose, will oppose the abolition of this particular tax except some one who believes that the whisky interest will be affected thereby; in other words, that the abolition of the brandy tax will promote fraud in regard to the collection of the tax on whisky. We have thought of all that. The amendment to be offered, while it provides for the abolition of the brandy tax also provides that spirits shall not be made partly from grain and partly from fruits without payment of the full tax required upon spirits distilled from grain, and that all offending persons shall be properly punished. This provision will amply guard against any violation of the law or frauds in this respect upon the whisky tax. There is no reason why this amendment should not be adopted, and the brandy tax abolished. Our proposition is fraught with good to the people, and an act of long-delayed justice which the Government can well afford to extend.

We ask these things in good faith. Grant us relief, at least, from the taxes upon tobacco and brandy. In fact, this Congress should abolish the whole internal-revenue system, should cut it up root and branch. It was placed upon the country in time of war by the Republican party; it has been kept up, fostered, and maintained by that party for all these years, aided latterly, I am sorry to say, by a few Democrats. Let the good work be done this very session of Congress. Take away from among us the revenue agent, the gauger, the gouger, the spy, and the informer. Let the people feel as freemen once more. Do these things, as suggested, and to crown it all give to the country an educational bill with sufficient appropriations to help onward and fit for the higher duties of citizenship all the youth of this favored land.

Mr. GROUT. I understood the gentleman from Arkansas [Mr. BRECKINRIDGE], when first upon the floor this morning, to have questioned the correctness of my statement on yesterday that Congress was already committed to the principle of protecting the industrial products of the country from fraudulent imitations. I made that statement in substance, and cited in support of it section 3328 of the Revised Statutes of the United States, which I did not then have time to read. The gentleman from Arkansas incorporated into his remarks so much of that section as suited the purpose of his argument this morning. I desire now to read the whole of it. It is as follows:

SEC. 3328. On all wines, liquors, or compounds known or denominated as wine, and made in imitation of sparkling wine or champagne, but not made from grapes grown in the United States, and on all liquors, not made from grapes, currants, rhubarb, or berries grown in the United States, but produced by being rectified or mixed with distilled spirits or by the infusion of any matter in spirits, to be sold as wine, or as a substitute for wine, there shall be levied and collected a tax of 10 cents per bottle or package containing not more than 1 pint, or of 20 cents per bottle or package containing more than 1 pint and not more than 1 quart, and at the same rate for any larger quantity of such merchandise, however the same may be put up, or whatever may be the package. The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps denoting the tax herein imposed, to be affixed to each bottle or package containing such merchandise, by the person manufacturing, compounding, or putting up the same, before removal from the place of manufacture, compounding, or putting up; and said stamps shall be affixed and canceled in such manner as the Commissioner may prescribe; and the absence of such stamp from any bottle or package containing such merchandise shall be *prima facie* evidence that the tax thereon has not been paid, and such merchandise shall be forfeited to the United States. Any person counterfeiting, altering, or reusing said stamps shall be subject to the same penalties as are imposed for the same offenses in relation to proprietary stamps.

Now, sir, if a tax of 10 cents per pint on imitation wines is not for the purpose of protecting and encouraging the production of genuine wines, for one I am unable to understand what it is for. The inventive gentleman from Arkansas says that this tax is for the protection of the revenue which the Government derives from the import duty on foreign wines. That duty is, I believe, 50 cents per quart on champagne or sparkling wine and 25 cents per quart on all still wines. Every one knows that this duty is for the protection of the wine industry of this country, that upon the American wine product there is no internal-revenue tax as upon whisky, but that the Government encourages this industry by a high protective tariff.

Now, suppose that the assertion of the gentleman from Arkansas be true—which let it be understood is only supposed—namely, that this tax of 10 cents per pint on imitation wines is really for the purpose of more certainly collecting the duty on foreign wines, would it not still operate for the protection of genuine American wines, inasmuch as that import duty is for the protection of those wines?

It seems like a solecism in argument to claim otherwise. The fact remains, however, upon the very face of the statute itself that this tax is for the protection of American wine products against fraudulent American imitations; and no amount of sophistry can break the force of the argument for what it may be worth that section 3328 is a precedent for the bill before us.

But there is upon foreign butter as well as upon foreign wines an import duty, and if an excise tax of 10 cents per pint upon imitation wines helps the Government collect the tariff duty on imported wines,

we will let the gentleman have his argument and give him this 10-cent tax on imitation butter to help in the collection of the duty on imported butter.

[Here the hammer fell.]

Mr. DORSEY. Mr. Chairman, I do not expect to be able to advance a new idea or to suggest to the committee any reason not heretofore urged in favor of the measure now under consideration, but I feel that in the passage of this bill we of the West are greatly interested.

For the past few years our farmers have devoted themselves to the task of building up the dairy interests, and to-day find that by the unlawful competition of the manufacturers of oleomargarine the industry is prostrated, and unless relief is given will be entirely destroyed. During the past three years the product of our dairies and creameries has fallen off fully one-third. Yearly thousands of cows are sent to the butcher's block, the farmers finding it unprofitable to keep them, those cows being worth until the introduction of oleomargarine an average of \$40 per head; to-day they will not sell for \$30 per head. Any one can estimate the loss the farmers have sustained from this depreciation alone.

Now, Mr. Chairman, who do we find opposing this bill? Every man who is interested in selling to the manufacturers of oleomargarine cotton-seed oil, the offal from pork-packing establishments, and those interested in handling and manufacturing the unlawful product. We have before us petitions, instigated by the parties interested, asking that this measure be defeated. On the other hand, five millions of farmers in this country favor this legislation. And to whom shall we give hearing—to the men who admit that they are engaged in the manufacture and sale of an article that is known to be deleterious, composed of ingredients that are poisonous and unfit to be used for food, or to the farmers of this country who are engaged in making and selling an article whose worth is now and has been recognized from time immemorial?

The issue is a very simple one. Shall the manufacturer of oleomargarine and butterine be encouraged and the farming interests further injured, if not entirely destroyed, or shall we encourage and protect those who are engaged in a legitimate business and are making an article that is pure and wholesome and that can be used without the fear that we are consuming that which is detrimental to health and fruitful of disease.

Mr. Chairman, twenty-two States of this Union have passed laws either restricting or prohibiting the manufacture and sale of oleomargarine, and the people of this country rightfully claim that such laws are being evaded and can not be enforced. They ask this Congress to give them relief. They know their demands are fair and just. This measure is constitutional; it is practicable, and this House should pass this bill.

Mr. BROWNE, of Indiana. I desire to offer a substantial amendment.

Mr. BRECKINRIDGE, of Arkansas, and Mr. REAGAN addressed the Chair.

The CHAIRMAN. The gentleman from Indiana [Mr. BROWNE] has been recognized.

Mr. BROWNE, of Indiana. I desire to propose an amendment to the amendment, to strike out "\$100" and insert "\$200."

Mr. VAN EATON. I desire to offer an amendment.

Mr. FINDLAY. I rise to offer an amendment.

The CHAIRMAN. The Chair will regard the formal amendment as withdrawn, and the Clerk will report the amendment of the gentleman from Indiana.

The Clerk read the amendment to the amendment proposed by Mr. BROWNE, of Indiana.

Mr. FINDLAY. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FINDLAY. I would like to know whether a substantial amendment is not now in order?

The CHAIRMAN. There are two substantial amendments now pending.

Mr. FINDLAY. Can another be offered?

The CHAIRMAN. That would not be in order at this stage. The gentleman from Indiana is recognized to speak to his amendment.

Mr. BROWNE, of Indiana. I do not desire to weary the committee by much talking; but I make a suggestion or two in this connection that seem to be demanded by the course of this debate. The gentleman from Vermont [Mr. GROUT] quotes a statute by which a tax is imposed upon adulterated wines for the benefit of the public revenue, and attempts to show the identity of the principle involved there and the principle embodied in this bill. I submit there is no such identity. Here you do not propose to impose a tax simply upon an imitation, or on an adulterated or upon an impure article. You propose to impose a tax upon what is admittedly pure and healthy.

Mr. GROUT. Who admits that?

Mr. BROWNE, of Indiana. I have heard the distinguished gentleman from New York [Mr. HISCOCK] read to-day an extract from the opinion of a chemist in which he says he had discovered by the microscope a great many ugly things in oleomargarine. I undertake to say that I could read page after page from the testimony of the most accom-

plished chemists in the land to the effect that they have submitted oleomargarine to chemical analysis and microscopic tests, and have found it pure and healthful, and they recommend its use.

Now, if it be true that this product is filthy and unhealthy and 200,000,000 of pounds are sold every year, I would like to know where oleomargarine has buried its dead? I would like that gentlemen would bring me an exhibit of some tombstone on which it is solemnly inscribed, "Died from oleomargarine." [Laughter.]

I wish gentlemen would give an authentic case. I am talking what I mean. I wish some gentleman would give us an authentic case of a man being even made sick by the use of oleomargarine. History, to my knowledge, has recorded no such case. I do not say that there are not impure specimens of this article on the market, but when gentlemen stand here and attempt to shock the country by these frightful stories, when they draw upon their imagination for facts, and draw in Shakespeare and witches and ghosts and everybody else for the purpose of getting up something to frighten the timid, I appeal to the testimony on the other side, and I say that it is abundantly shown and not denied that oleomargarine may be pure, clean, and healthful, and I am now only controverting the propriety of taxing this pure and healthful product out of existence.

Another point. The strangest logic that I have ever heard—and it commends itself to my admiration because of its novelty—is that we ought to impose this high tax upon this commodity because it can stand it. Gentlemen say that oleomargarine sells for 20, 25, or 40 cents a pound that costs but 7 or 8 cents, and therefore it can bear this tax of 10 cents a pound and the extra license tax also and still be sold at a profit. But, gentlemen, you forget one thing. You have asserted all the time that this article has been sold at these high prices because it has been imposed upon the people as genuine butter. Strip it of that disguise, but do so by taxing it only so much as is necessary to effect that object. Then when it is put upon the market for what it is it will sell not at butter prices but at oleomargarine prices. Then the poor men who want to buy it—and thousands do—can obtain it at the cost of production with a reasonable profit added. Let me put a question to you, though I know it will have no effect.

It was once said by a distinguished commoner that he had heard many arguments in the Parliament that had convinced his judgment, but none that had ever influenced his vote. [Laughter.] But let me put this question to you: If any part of this product is being honestly manufactured and honestly put into the market, if any part of it is sold to men who are not being deceived by it, has not the American citizen the right to produce that article, the right to sell it, and the right to buy it? I want you to answer that question. Now, if you are in earnest about this matter—and I do not question your honesty—if you are in earnest, then you will simply fix the tax at such a rate as will compel the sale of oleomargarine for what it is.

[Here the hammer fell.]

Mr. FINDLAY. I would like to offer a substitute for the pending amendment, which I ask the Clerk to read.

The Clerk read as follows:

At the end of line 32 insert the following:

"Provided, That no manufacturer of, or wholesale dealer in, oleomargarine shall sell, ship, or export the same to any point included in Her Majesty's East Indian possessions inhabited by the Parsees or fire-worshippers, or other part of the world where this sect may reside: And provided further, That the provisions of this section shall extend to the manufacture and sale of sausage, as far as practicable, under such regulations as the Secretary of the Interior may prescribe."

[Laughter.]

Mr. HATCH. I move that the committee rise.

Mr. FINDLAY. I will claim my time when the Committee of the Whole resumes its session.

The CHAIRMAN. In the opinion of the Chair, the amendment of the gentleman from Maryland [Mr. FINDLAY] is not in order.

The question being taken on the motion of Mr. HATCH that the committee rise, it was agreed to; there being—ayes 101, noes 4.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 3348) for the relief of H. P. McFarlin;  
A bill (H. R. 4544) granting a pension to Ann E. Cooney;  
A bill (H. R. 4688) granting a pension to Josephine De Costa Thomas; and

A bill (H. R. 7165) to increase the pension of Manhattan Pickett. The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 247) granting a pension to Lewis Tyus;  
A bill (H. R. 448) granting a pension to Newton Day;  
A bill (H. R. 525) to restore Robert C. McKee to the pension-roll;

A bill (H. R. 908) granting a pension to Margaret E. Cochran;  
 A bill (H. R. 1100) granting a pension to Jane W. Devereux;  
 A bill (H. R. 1279) granting a pension to Darius M. Seaman;  
 A bill (H. R. 1548) for the relief of Ellen Crymble;  
 A bill (H. R. 1560) for the relief of Evaline A. White;  
 A bill (H. R. 1651) for the relief of Rosina Heineman;  
 A bill (H. R. 1707) granting a pension to Elijah P. Hensley;  
 A bill (H. R. 1841) granting a pension to George W. Stout;  
 A bill (H. R. 1889) granting a pension to Isaac Carleton;  
 A bill (H. R. 1990) granting a pension to John Hunter;  
 A bill (H. R. 2803) granting a pension to John H. Snyder;  
 A bill (H. R. 3135) granting an increase of pension to Charles Sebring;  
 A bill (H. R. 3144) granting a pension to Isaiah H. Mitchell;  
 A bill (H. R. 3198) granting a pension to Mrs. Mary Hastings;  
 A bill (H. R. 3624) granting a pension to Fred. J. Leese;  
 A bill (H. R. 3826) for the relief of John Taylor;  
 A bill (H. R. 3941) granting a pension to Mary M. Galleyan;  
 A bill (H. R. 3972) granting a pension to Sanford C. Willhoite;  
 A bill (H. R. 4002) granting a pension to Carter W. Tiller;  
 A bill (H. R. 4058) for the relief of Joel D. Monroe;  
 A bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick J. Smith;  
 A bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier;  
 A bill (H. R. 4539) granting a pension to Ann Little;  
 A bill (H. R. 4699) granting a pension to Martin Jacoby;  
 A bill (H. R. 4723) granting a pension to Joseph E. Van Horn;  
 A bill (H. R. 5328) granting a pension to Noah Hoffman;  
 A bill (H. R. 5329) granting a pension to William Antes;  
 A bill (H. R. 5331) granting a pension to Emma M. Shiner;  
 A bill (H. R. 5332) granting a pension to Elizabeth Crowley;  
 A bill (H. R. 5335) granting a pension to Philip Deremer;  
 A bill (H. R. 5336) granting a pension to Benjamin S. Wolverton;  
 A bill (H. R. 5702) granting a pension to Jenet L. Johnson;  
 A bill (H. R. 5729) granting a pension to Elizabeth Warner;  
 A bill (H. R. 5899) to place the name of Robert Beard on the pension-roll;

A bill (H. R. 5997) granting a pension to Elizabeth Luce;  
 A bill (H. R. 6092) granting a pension to Parmelia Smith;  
 A bill (H. R. 6136) granting an increase of pension to John W. Farris;  
 A bill (H. R. 6389) granting a pension to Francis M. Moore;  
 A bill (H. R. 6725) granting a pension to William M. Swartz;  
 A bill (H. R. 6897) granting a pension to Henry Hipple, jr.;  
 A bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum;  
 A bill (H. R. 7330) granting a pension to Josie H. Babb;  
 A bill (H. R. 7468) granting a pension to Lemuel Adams; and  
 A bill (H. R. 8085) granting a pension to Amos C. Weeden.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:  
 A bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps;

A bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs;  
 A bill (S. 1078) granting a pension to William C. Wait;  
 A bill (S. 1201) granting a pension to Louise Armbrrecht;  
 A bill (S. 1207) granting a pension to Caroline Sees;  
 A bill (S. 1997) granting a pension to Mrs. Abbie B. Heath;  
 A bill (S. 2030) granting a pension to Miss Margaret Stafford North;  
 A bill (S. 2045) granting a pension to Mrs. Sarah Hamilton;  
 A bill (S. 2144) granting an increase of pension to Grace F. Edes;  
 A bill (S. 2215) granting a pension to Martha J. Todd, widow of Dr. R. N. Todd, late of Indianapolis, Ind.;

A bill (S. 2232) granting a pension to Mary Martin;  
 A bill (S. 2263) granting a pension to Col. James H. Blood;  
 A bill (S. 2267) granting an increase of pension to Laurinda G. Cummings;

A bill (S. 2269) granting a pension to William Dickens;  
 A bill (S. 2336) granting an increase of pension to Thomas Benson; and

A bill (S. 2349) granting a pension to Catharine Lanigan.

The SPEAKER. The hour of 5 o'clock having arrived, the House stands adjourned until to-morrow morning at 11 o'clock.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Memorial of John Grant, of Louisiana, praying for the Government to purchase Grand Pass—to the Committee on Rivers and Harbors.

By Mr. BUCK: Petition of Birch & Co. and other business men, of Hartford, Conn., in favor of changing the port of entry from Middletown to Hartford—to the Committee on Commerce.

By Mr. ERMENTROUT: Memorial of cordage manufacturers of the United States, asking for the striking out of section 20 of House bill 7219—to the Committee on Ways and Means.

Also, memorial of the New Orleans Produce Exchange, protesting

against the action of Congress in discouraging the manufacture of oleomargarine—to the Committee on Agriculture.

By Mr. FUNSTON: Petition to remove the charge of desertion against John Boatwright, of Company C, United States Colored Infantry—to the Committee on Military Affairs.

By Mr. HEWITT: Petition of Sutton & Co., in favor of tariff reform—to the Committee on Ways and Means.

By Mr. HIRES: Resolutions of Welcome Circle No. 3, Camden, N. J., praying Congress to pass the bill now pending prohibiting aliens from becoming owners of land in this country—to the Committee on Public Lands.

By Mr. JAMES: Petition of 55 merchants, hotel-keepers and others of Yazoo City, Miss., asking for the enactment of the bill (H. R. 1621) providing against the exaction of license fees from commercial travelers—to the Committee on Commerce.

By Mr. LIBBEY: Petition of Daniel O'Hanlon for a pension. Also, petition of the common council of Norfolk, Va., praying for the establishment at Norfolk of a yard for the construction of iron ships—to the Committee on Naval Affairs.

Also, petition of parties prominent in railroad circles, asking an appropriation for the organization of the section of steam transportation in the United States National Museum—to the Committee on Appropriations.

By Mr. LONG: Petition of Davis Copeland and 20 others, for a law taxing oleomargarine—to the Committee on Agriculture.

Also, petition of the New England conference of the Methodist Episcopal Church for protection of the Chinese—to the Committee on Foreign Affairs.

Also, petition of R. B. Forbes and 102 merchants and others, of Massachusetts, for a lightship on Stelwagen's Bank, off Cape Cod—to the Committee on Commerce.

By Mr. MATSON: Petition of Isaac A. Chandler and 63 others, ex-soldiers of Brown County, Indiana, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Preamble and resolution of the Produce Exchange of Philadelphia against the passage of House bill 8328, imposing a tax upon the sale of oleomargarine—to the Committee on Agriculture.

By Mr. OSBORNE: Petition of manufacturers of cordage, suggesting amendments to House bill 7219, and pointing out hardships therein proposed—to the Committee on Ways and Means.

By Mr. PARKER: Petition of citizens of Norfolk, N. Y., in favor of taxing imitation butter—to the Committee on Agriculture.

By Mr. PEEL: Papers relating to the claim of Charles G. Scott, of Pulaski County, Arkansas—to the Committee on War Claims.

By Mr. RANDALL: Protest of the Produce Exchange of Philadelphia, against imposing a tax of 10 cents per pound on oleomargarine and butterine—to the Committee on Agriculture.

By Mr. SENEY: Papers of John Newell, favoring the amendment to section 5258 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. STAHLNECKER: Petition of manufacturers of cordage, against the second section of House bill 7219—to the Committee on Ways and Means.

By Mr. STORM: Petition of the Produce Exchange of New Orleans, of the Board of Trade of Saint Joseph, Mo., of the Produce Exchange of Philadelphia, of the Board of Trade of Atchison, Kans., against taxing oleomargarine and butterine—to the Committee on Agriculture.

Also, petition of the Board of Trade of Philadelphia, in favor of the amendment to the Post-Office bill appropriating \$800,000 for carrying foreign mails—to the Committee on the Post-Office and Post-Roads.

By Mr. ZACH. TAYLOR: Papers relating to the claims of Edward J. Tucker, of Andrew J. Ballard, and of B. W. Williamson, administrator of B. W. Williamson, deceased, of Fayette County; of Joseph H. Harris, jr., and of Richard S. Barrett, administrator of John W. Harris, deceased, of Tipton County; of Juliet Campbell, administratrix of estate of R. H. Campbell, of Lee County; of Benjamin Colman, of Memphis, Tenn.; of James M. Swearingin, executor, of Tunica County, Mississippi; of Thomas H. Williams, administrator of H. S. Williams, and of Meshock Franklin, administrator of John K. Wilburne, of Shelby County; of John S. Peets, of Tipton County; of Malon Courts, administrator of Jane M. Courts, of Shelby County; of Joseph Tagg, of Memphis, and of John H. Woolley, of La Grange, Tenn.

By Mr. WHEELER: Petition of J. C. Allen, administrator of Lindsay Allen, deceased, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIS: Petition of John W. Dickens, for relief—to the Committee on Invalid Pensions.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. GROUT: Of W. D. Gilman and 46 others, of Caledonia; of

H. W. Rice and 19 others, of Westford; of Henry Blake and 80 others, of Hardwick; of Hon. J. C. Oliver and 41 others, of Charleston; of N. B. Davis and 34 others, of Glover; of T. L. Dattoff and 59 others, of Morgan; of John W. Stearns and 243 others, of Hinesburg; of J. E. White and 36 others, of Danby; of W. E. Clark and 38 others, of Poultney; of C. M. Winslow and 38 others, of Brandon; of H. D. Chamberlain and 38 others, of Jay; of Walter Burke and 69 others, of Craftsbury; of W. G. Marsh and 77 others, of Clarendon; of N. D. W. Doty and 26 others, of Hyde Park; of H. S. Gilbert and 24 others, of Fairfield; of M. Brown and 22 others, of Pawlet; of E. V. Reynolds and 173 others, of Fairfax; of Charles B. Warren and 30 others, of Williston; of William Otis and 32 others, of Danby; of Capt. F. F. Gleason and 23 others, of Richmond; of Hon. Smith Wright and 12 others, of Williston; of J. B. Finnegan and 24 others, of Fairfield; of H. S. Conant and 44 others, of Richmond; of B. F. Rugg and 24 others, of Saint Albans; of J. G. Griggs of Centre Rutland; of C. D. Whitmore and 19 others, of Brattleborough; of Lindsay Johnson and 62 others, of Newbury; of C. R. Rogers and 24 others, of Orange County; of James Dickey and others, of Orange County; of L. Smith and 44 others, of Topsham; of B. McElroy and 36 others, of Middlesex; and of H. R. Chamberlain and 40 others, of Wells River, Vt.

By Mr. HAYNES: Of citizens of Wilmington, Vt.

By Mr. SHAW: Of citizens of Harford County, Maryland.

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. CARLETON: Of citizens of Saint Clair County, Michigan.

By Mr. LONG: Of citizens of North Attleborough, Mass.

## SENATE.

THURSDAY, May 27, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of property-owners and residents along the line of Thirteenth street, Northwest, Washington, D. C., remonstrating against the chartering by Congress of any company to lay tracks and run cars along that street; which was referred to the Committee on the District of Columbia.

He also presented a letter from A. H. Babcock, adjutant of Loraine (Ohio) Post No. 448, Grand Army of the Republic, transmitting petitions of numerous citizens and soldiers of Ohio, praying for the enactment of a law embodying the recommendations of the national pension committee of the Grand Army of the Republic; which, with the accompanying petitions, was referred to the Committee on Pensions.

Mr. VEST. I present the petition of a committee of citizens of New Mexico, and I ask that it be read. It is not long, and it relates to a matter of very great importance to them.

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

The petition was read, and referred to the Committee on Private Land Claims, as follows:

To the Senate of the United States:

Your memorialists, citizens of the County of Bernalillo and Territory of New Mexico, acting in pursuance of resolutions unanimously adopted at a public meeting of the people of said county held in the city of Albuquerque on May 17, 1886, respectfully but earnestly pray your honorable body to adopt and pass during the present session the bill which has passed the House of Representatives, and commonly called the Joseph bill, for the adjustment of private land claims in Colorado, New Mexico, and Arizona.

Nearly forty years have elapsed since our Government assumed by the treaty of cession of the territory in question the high duty of ascertaining and confirming to private owners of lands all *bona fide* titles acquired under the Spanish or Mexican Governments, and with very few exceptions that duty has been neglected to this day. Not only is this neglect of treaty obligation a reproach to national honor, but it is most disastrous to the material interests of our people. A cloud of uncertainty and doubt resting upon vast bodies of lands which are withdrawn from the operation of the public-land laws deters investments and prevents all advancement. Every consideration therefore demands prompt action at the hands of Congress.

The Senate bill upon this subject, commonly called the Edmunds bill, provides for the adjudication of those claims in the courts, while the House bill creates a special commission of three persons and is similar to the measure under which the land titles of California were settled.

In this Territory and in Arizona there are but three district courts which would have original jurisdiction under the Senate bill. The dockets of these courts are already overcrowded with litigation of ordinary character, such as is the natural outgrowth of our development and situation, and their business is constantly increasing, so that without an increase in the number of judges it is and will be impossible for them to dispose of the business before them.

If to this accumulation of ordinary business there be added the determination of private land claims, we beg earnestly to call to your attention the inevitable consequences. Delays and expenses which will be equivalent to a practical denial of justice must and will result not only to land claimants but to ordinary litigants. And, in addition, the organization of the courts is not such as to best enable them to sit upon the questions involved, while a commission of men specially selected for the purpose can hold their sessions at such places

as will be nearest and most convenient to the lands and to the monuments of title involved.

Failure to enact the House bill will, we fear, cause still greater delays upon this subject, which to us is of vital importance, and we urgently request of you to give your sanction to that bill at your present session, so that this Territory may be relieved from the greatest obstacle to its prosperity and advancement.

GEO. LAIL,  
Mayor of the City of Albuquerque, N. Mex.,  
H. N. JAPBA,

Pres. Board of Trade,  
J. J. SHARICK,  
City Councilman,

A. J. BARR,  
L. S. TRIMBLE,  
H. L. WARREN,  
G. PITMAN SMITH,  
E. T. STOVER,  
WM. A. WHITEMAN,  
E. D. LUXTON,  
J. FRANCISCO CHAVEZ,  
Committee.

Mr. CAMERON presented a memorial of the Philadelphia Produce Exchange and a memorial of the board of directors of the Grain and Flour Exchange of Pittsburgh, Pa., remonstrating against the passage of the bill proposing to tax oleomargarine and butterine; which were referred to the Committee on Agriculture and Forestry.

Mr. INGALLS presented a petition of citizens of Russell County, Kansas, praying that early action may be had upon the pension claim of Burriss Harper, late a private in Company G, Fifth Missouri Cavalry; which was referred to the Committee on Pensions.

He also presented a petition of certain Pottawatomie Indians, praying for legislation regarding traderships; which was referred to the Committee on Indian Affairs.

He also presented the petition of S. M. Whitten, of Randolph County, Indiana, praying for a revision of certain Senate rules; which was referred to the Committee on Rules.

Mr. DAWES presented the petition of William Talmadge and other citizens of Palmer and Wilbraham, Mass., and a petition of Franklin Bonney and others, of Hadley, Mass., praying for such legislation as will protect the dairy interests against imitations of butter; which were referred to the Committee on Agriculture and Forestry.

Mr. EVARTS presented the petition of C. H. Torrey, of New York city, praying certain legislation in relation to the case of William Campbell Phelan, alleged to have been improperly convicted of crime and sentenced to the Fitchburg (Mass.) jail; which was referred to the Committee on the Judiciary.

Mr. COCKRELL. I present the petition of J. N. Tinsley, of Buffalo, Dallas County, Missouri, praying to be allowed compensation for supplies furnished the United States Army during the late war. I move that the petition, with the accompanying papers, affidavits, and evidence, be referred to the Committee on Claims.

The motion was agreed to.

Mr. LOGAN presented resolutions adopted by the Board of Trade of Elgin, Ill., favoring the passage of the bill taxing the manufacture and sale of oleomargarine and butterine; which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the board of directors of the Board of Trade of Chicago, Ill., favoring the passage of the bill known as the "immediate transportation act;" which was referred to the Committee on Commerce.

### REPORTS OF COMMITTEES.

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

- A bill (S. 2460) granting a pension to Stephen D. Mead;
- A bill (H. R. 7965) for the relief of Francis Mosher;
- A bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor;
- A bill (H. R. 5324) granting a pension to John H. Hunter;
- A bill (H. R. 1520) granting an increase of pension to Mary F. Blake;
- A bill (H. R. 8078) for the relief of Lydia S. Johnson;
- A bill (H. R. 5261) granting a pension to Isaac Fossett;
- A bill (H. R. 2144) granting a pension to C. K. Hughes;
- A bill (H. R. 1815) granting a pension to Ellen Corcoran; and
- A bill (H. R. 308) granting a pension to Mary Sullivan.

Mr. WHITTHORNE, from the Committee on Claims, to whom was referred the bill (S. 396) for the relief of Mrs. Mary Shannon, widow and administratrix of the estate of Joseph R. Shannon, deceased, and to provide for the payment of the loss of the steamboat A. W. Quarrier, reported it with amendments, and submitted a report thereon.

Mr. SEWELL, from the Committee on the Library, to whom the subject was referred, submitted a report, accompanied by a joint resolution (S. R. 67) authorizing the Secretary of War to erect at Stony Point, N. Y., a monument; which was read twice by its title.

### BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 2547) granting a pension to John M. Rutherford; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2548) granting a pension to Mrs. Mary B. Paxton; which was read twice by its title, and referred to the Committee on Pensions.